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## **GUAM/HYBRID LAND USE COMMISSION REGULAR MEETING MINUTES**



Department of Land Management Conference Room ITC Building, Tamuning



Thursday, March 8, 2018 1:42 p.m. to 4:55 p.m.

## GUAM/HYBRID LAND USE COMMISSION

### Regular Meeting Thursday, March 8, 2018

# Department of Land Management Conference Room 3<sup>rd</sup> Floor ITC Building, Tamuning

### MEMBERS PRESENT:

Mr. John Z. Arroyo, Chairman

Mr. Victor F. Cruz, Vice Chairman

Ms. Conchita D. Bathan, Commissioner

Mr. Tae S. Oh, Commissioner

Mr. Michael Borja, Executive Secretary

Mr. Nicolas Toft, Legal Counsel

### **HYBRID COMMISSIONERS:**

Mayor Louise Rivera, Tamuning

Mayor June Blas, Barrigada

### PLANNING STAFF PRESENT:

Mr. Marvin Aguilar, Guam Chief Planner

Mr. Frank Taitano, Case Planner

Ms. Celine Cruz, Case Planner

Ms. Grace Vergara, Planning Staff

Ms. Cristina Gutierrez, Recording Secretary

# GLUC/HYBRID LAND USE COMMISSION GUAM SEASHORE PROTECTION COMMISSION Attendance Sheet

Department of Land Management Conference Room 590 S. Marine Corps Drive, Third Floor, ITC Building, Tamuning

Date of Meeting:	Thursday, March 8, 2018	X GLUC	X HLUC
Time of Meeting:	GLUC: 1:42 HLUC:	X Regular	X Regular
Hybrid:	GLUC: TA INLUC:	Special Quorum	Special
,		No-Quorum	No-Quorum
COMMISSION MEN	MBERS	SIGNATURI	
Chairman John Z.	Arroyo	M	1.
Vice Chairman Vic	tor F. Cruz	100	Li
Commissioner Co	nchita D. Bathan	Edlaci	
Commissioner Tae	S. Oh		
Commissioner Har	dy T.I. Vy	laremed	70
HYBRID COMMISS	ION; BLUE OCEAN INVESTMEN	IT, Application No. 2017-29A/B	[MCoG DLM 2018-0
Mayor Louise Rive	ra, Tamuning-Tumon-Harmon	OXX	
Mayor Melissa Sav	ares, Dededo	Sycured	
Mayor June Blas, E	Barrigada	- Alu-	
Mayor John Cruz, I	Hagatna	Abrent	
Michael J.B. Borja,	<b>Executive Secretary</b>	May :-	
Nicolas E. Toft, Le	gal Counsel (OAG)	There	_0
Marvin Q. Aguilar,	Chief Planner	(PRESENT)	
Frank Taitano, Plar	nner IV	Argua P. Ja	ritaro
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# GUAM LAND USE COMMISSION GUAM SEASHORE PROTECTION COMMISSION

Speaker's Sign-In Record

Location: Department of Land Management Conference Room 590 S. Marine Corps Drive, Third Floor, ITC Building, Tamuning

Date:

Regular

Thursday, March 8, 2018

X

GLUC

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Quorum	No Quorum	Adjournment:	4:55 pm	
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# GUAM LAND USE COMMISSION GUAM SEASHORE PROTECTION COMMISSION

## **Public Attendance Record**

Location: Department of Land Management Conference Room 590 S. Marine Corps Drive, Third Floor, ITC Building, Tamuning

X GLUC	X Regular Date: Thursday, Mar	ch 8, 2018
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Quorum	No Quorum Adjournment: 4:53	and .
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ANDREW KAO	Disc.	699 9/46
Mark Zhao	ma	689-8038
SIEVE STREIB		647-4032
PATRICIC OKADA		646-6802
Tavid Lan Chemin	TRMA	475-8772
Michael Maters	TRMA	475.8777
Samuel McPhetres	GUMA	670 588 4862
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Mag. Kalling.	LALS LLC	650-650r
JUSEPH M BORJA		
Gusan Frysy		689-4266
RAY CAYANATO	GUMA	1889686
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### **GUAM LAND USE COMMISSION**



Chairman John Z. Arroyo Vice Chairman Victor F. Cruz Commissioner Conchita D. Bathan Commissioner Tae S. Oh Commissioner Hardy T.I. Vy

Michael J.B. Borja, Executive Secretary Nicolas E. Toft, Legal Counsel (OAG)

# **AGENDA**

# Regular Meeting Thursday, March 8, 2018 @ 1:30 p.m.

Department of Land Management Conference Room 590 S. Marine Corps Drive, 3<sup>rd</sup> Floor, ITC Building, Tamuning [As advertised in the Guam Daily Post on March 1st and March 6th, 2018]

- I. Notation of Attendance
- [ ] Quorum
- [ ] No Quorum

- II. Approval of Minutes
  - GLUC Regular Meeting of Thursday, February 22, 2018
- III. Old or Unfinished Business
- IV. New Business

### **Zone Variance**

A. <u>Application No. 2016-53</u>, Docomo Pacific, Inc., Guam; request for Zone Variance for Height and Use for the construction of a 100-foot telecommunication monopole tower, on Lot 10069-3-6, in the Municipality of Dededo, in an "A" (Rural) zone. Case Planner: Penmer Gulac

### **Tentative Development Plan**

- B. Application No. 2018-09, KALS LLC represented by GUMA Architects, LLC; request for a Tentative Development Plan to convert an existing commercial building (K-Plaza) to mixed commercial uses and hotel, on Lot 5094-R1 (Tumon), in the Municipality of Tamuning, in an "H" (Hotel/Resort) zone.
  - Case Planner: Celine Cruz
- V. Administrative & Miscellaneous Matters

### Request for Extension

- C. <u>Application No. 2011-09B</u> Fargo Pacific Inc. represented by Daniel D. Swavely; requests for a one-year extension for the construction of its temporary workforce housing facility, pursuant to E.O. 96-26, Section 5, on Lot 5161-1-3 (Harmon), in the Municipality of Tamuning, in an "M-1" (Light Industrial) zone. Case Planner: Frank Taitano
- VI. Adjournment

### HYBRID LAND USE COMMISSION



Chairman John Z. Arroyo Vice Chairman Victor F. Cruz Commissioner Conchita D. Bathan Commissioner Tae S. Oh Commissioner Hardy T.I. Vy

Michael J.B. Borja, Executive Secretary Nicolas E. Toft, Legal Counsel (OAG)

## **AGENDA**

## Regular Meeting Thursday, March 8, 2018

Department of Land Management Conference Room 590 S. Marine Corps Drive, 3<sup>rd</sup> Floor, ITC Building, Tamuning [As advertised in the Guam Daily Post on March 1, 2018 and March 6, 2018]

Notation of Attendance	[ ] Quorum	[ ] No Quorum
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- II. Approval of Minutes
  - GLUC Regular Meeting of Thursday, February 22, 2018
- III. Old or Unfinished Business
- IV. New Business

### **Zone Variance/Tentative Development Plan**

- A. <u>Application No. 2017-29A/B</u> Applicant, Blue Ocean Investment, LLC represented by TRM Architects; request for a Zone Variance for Height & Density and Tentative Development Plan for the proposed construction of a boutique hotel, on Lots 5093-R1-1-R1 and 5093-R1-1-1 (Tumon), in the Municipality of Tamuning, in an "H" (Hotel/Resort) zone. Case Planner: Celine Cruz
- V. Administrative & Miscellaneous Matters
- VI. Adjournment

# GUAM LAND USE COMMISSION REGULAR MEETING MINUTES Department of Land Management Conference Room, 3<sup>rd</sup> Floor, ITC Bldg., Tamuning Thursday, March 8, 2018 • 1:42 p.m. to 4:55 p.m.

### I. Notation of Attendance

Chairman Arroyo reconvened the regular meeting of the Guam Land Use Commission for Thursday, March 8, 2018 at 3:42 p.m., noting a quorum.

Present were: Chairman John Arroyo, Vice Chairman Victor Cruz, Commissioner Conchita Bathan, Commissioner Tae Oh, Executive Secretary Michael Borja, Legal Counsel Nicolas Toft, Guam Chief Planner Marvin Aguilar, Planning Staff Frank Taitano, Penmer Gulac, Celine Cruz, Grace Vergara and Recording Secretary Cristina Gutierrez

### II. Approval of Minutes

<u>Chairman Arroyo</u> the approval of the Minutes of the February 22, 2018 GLUC meeting will be placed on the next GLUC agenda.

### III. Old or Unfinished Business [None]

<u>Chairman Arroyo</u> the rest of the agenda that is before the Commission, are there any recommendations and/or changes to the order of the agenda.

<u>Vice Chairman Cruz</u> asked that Item IV-A, Application No. 2016-53 be moved to the end of the agenda.

<u>Chairman Arroyo</u> seeing no objections, Chairman Arroyo moved Application 2016-53 for Docomo Pacific to the end of the agenda.

### IV. New Business

### Tentative Development Plan

A. <u>Application No. 2018-09</u>, KALS LLC represented by GUMA Architects, LLC; request for a Tentative Development Plan to convert an existing commercial building (K-Plaza) to mixed commercial uses and hotel, on Lot 5094-R1 (Tumon), in an "H" (Hotel/Resort) zone, in the Municipality of Tamuning. Case Planner: Celine Cruz

Chairman Arroyo has the Tamuning MPC made comments with regards to this application.

Celine Cruz no comments have been received from the Tamuning MPC.

<u>Grace Vergara (Planner)</u> reads the staff report to include purpose, facts, staff analysis/discussion, recommendation and conditions. [For full content/context, please refer to Attachment A]

## [Attachment A - Staff Report dated March 1, 2018]

<u>Chairman Arroyo</u> noting no questions for staff, Chairman Arroyo welcomed the applicant and consultants to the meeting.

<u>Sam McPhetres</u> (with partner Ray Cayanan and Magi Kallingal, owner) gave a presentation on the project.

- > This is an existing building with two floors of commercial space on the upper floors that have been sitting vacant for over one year. The owner proposes to convert the upper floors to hotel use, in a hotel zone:
- > This project is located right next door to the previous application before this application;
- > The proposed building is located at the corner of Happy Landing Road and San Vitores Road:
- There is an existing restaurant and karaoke bar on the property that will be maintained;
- Most of the work is interior work only converting the upper two floors for hotel use. There will be no exterior work with the exception of modification to the sidewalk where sidewalk parking is present and creates a problem, creating a loading and unloading zone, and landscaping. They had a meeting with Parks and Recreation because of their (DPR) concern on deep excavating and disturbing the site. Mr. McPhetres explained that their exterior is minimal.
- > Shows the existing site plan, the triangular parking space; parking requirements have been met;
- Images on sidewalk improvement, calculation on density, images of studio type units, 1bedroom suites, and additional images of the hotel, exterior;
- This project primarily focuses on interior renovations. Dividing up the space and creating hotel rooms; and,
- > Additional renderings of the hotel space and rooms.

Chairman Arroyo are the rooms all the same size.

Ray Cayanan they are limited to the minimum of 400-square feet per room; however, the rooms exceed this number. Also taken into consideration was about two-percent of ADA rooms to be a bit larger than the 400-square feet.

<u>Commissioner Oh</u> is there a copy of the previously approved TDP.

<u>Marvin Aguilar</u> what is on record is an interpretation of action taken by the TPC (Territorial Planning Commission), basically only in Minutes.

<u>Celine Cruz</u> there was an application and it was built according to and having all the conditions met. One of the key conditions was basically landscaping only.

Commissioner Bathan this is an amendment to a previously TDP?

Marvin Aquilar it is a conversion of the building and its uses.

Commissioner Oh is there a copy of the Minutes.

Vice Chairman Cruz were drawings provided.

<u>Celine Cruz</u> confirms that there are drawings and it is exactly how the building is as you see it today. It was approved by the TLUC back in 1999.

Commissioner Oh this was built when.

<u>Sam McPhetres</u> the building was built in 1999 and completed in 2000. We have had our engineers verify that there is sufficient supply for electricity, water, waste, etc. In addition, they have communicated with GPA and the transformer is sufficient to provide power.

<u>Ray Cayanan</u> the previous use for the third floor was for a spa and there is plumbing available; the second floor was used for office space. The existing panels will be removed and sub-panels will be installed.

<u>Commissioner Oh</u> the spa is no longer there.

Magi Kallingal no, they moved out more than a year ago and has been vacant since.

Michael Borja there will be no changes to the structure.

Ray Cayanan no changes will be made other than adding additional windows if budget permits.

<u>Sam McPhetres</u>, we have been working with a structural engineer on this. It is really more interior work and landscaping.

[Discussion ensues]

<u>Chairman Arroyo</u> called for a five-minute recess at 4:05 p.m. and reconvened at 4:10 p.m. The Commissioners have received a copy of the Notice of Action dated August 19, 1999.

<u>Commissioner Oh</u> after reviewing the NOA, it seems that the only requirement that stands out is the landscaping; and, landscaping has been provided for this project and will meet the condition setforth in the previous NOA.

Commissioner Bathan will parking stalls be standard or compact.

Sam McPhetres it will be a combination of both, with a majority being compact.

[Discussion ensues on parking size requirements]

<u>Chairman Arroyo</u> seeing no additional comments for the staff and the applicant, Chairman Arroyo was ready to entertain a motion for this application.

Commissioner Oh Mr. Chair, I move to approve the applicant, KALS LLC represented by GUMA Architects; request for approval to amend a previously approved Tentative Development Plan to convert the existing commercial use of K-Plaza to mixed commercial use and hotel, on Lot 5094-R1 (Tumon), in an "H" (Hotel/Resort) zone, in the Municipality of Tamuning, with the following conditions:

- 1. The applicant shall adhere to all the ARC conditions and requirements as stipulated in their official position statements;
- Any future additional development or changes to the approved site plan shall require the applicant to submit an amended TDP application for review and approval by the Guam Land Use Commission;
- 3. The applicant shall provide a landscaping plan pursuant to Section 5G of the Interim "H" Resort-Hotel Rules and Regulations for review and approval by the Guam Chief Planner;
- Pursuant to the Interim "H" Hotel/Resort Rules and Regulations, Paragraph F, the improvements specified in the TDP shall be completed within one (1) year from the date of Commission approval;
- 5. That the Applicant shall also ensure compliance to the one (1) year time restriction that states a grading or building permit must be obtained from date of recordation of the Notice of Action; otherwise, the approval as granted by the Commission be "NULL and VOID" per E.O. 96-26, Section 5; and,
- 6. The applicant shall adhere to the previously approved Notice of Action dated August 19, 1999, and all conditions as noted within that approved Tentative Development Plan.

<u>Chairman Arroyo</u> motion on the floor by Commissioner Oh, do I have a second.

Commissioner Bathan seconds the motion.

<u>Chairman Arroyo</u> seconded by Commissioner Bathan. Any discussion on the motion? [None] On the motion, all in favor say "aye" [Chairman Arroyo, Vice Chairman Cruz, Commissioners Oh, Bathan], all opposed say "nay."

[Motion passed with a vote of 4 ayes, 0 nay]

Chairman Arroyo next item on the agenda -

### V. <u>Administrative and Miscellaneous Matters</u>

### Request for Extension

B. <u>Application No. 2011-09B</u>, Fargo Pacific Inc. represented by Daniel D. Swavely; requests for a one-year extension of time for the construction of its temporary workforce housing facility, pursuant to E.O. 96-26, Section 5, on Lot 5161-1-3 (Harmon) in an "M-1" (Light Industrial) zone, in the Municipality of Tamuning. Case Planner: Frank Taitano

<u>Frank Taitano</u> reports that Mr. Swavely is tending to an emergency and unable to make today's meeting. The Commission will need to table this application.

<u>Chairman Arroyo</u> notes that there is no representation from Fargo Pacific, Inc. Chairman Arroyo was ready to entertain a motion to table the hearing of this application.

<u>Commissioner Bathan</u> makes a motion to recommend the tabling of Application No. 2011-09B for Fargo Pacific Inc. for the next available GLUC hearing.

<u>Chairman Arroyo</u> there is a motion to table the application, is there a second.

Vice Chairman Cruz seconds the motion.

<u>Chairman Arroyo</u> seconded by Vice Chairman Cruz. Any discussion on the motion [none]. All in favor of the motion say "aye" [Chairman Arroyo, Vice Chairman Cruz, Commissioners Bathan and Oh], all opposed say "nay."

[Motion passed, 4 ayes, 0 nay. Application is tabled for the next meeting]

<u>Chairman Arroyo</u> last item on the agenda –

### **Zone Variance**

C. Application No. 2016-53, Docomo Pacific, Inc., Guam; request for a Zone Variance for Height and Use for the construction of a 100-foot telecommunication monopole tower, on Lot 10069-3-6, in an "A" (Rural) zone, in the Municipality of Dededo. Case Planner: Penmer Gulac

<u>Commissioner Oh</u> states for the record, that he has a conflict of interest between his company and Docomo Pacific and asked to be recused.

Chairman Arroyo Commissioner Oh is conflicting and has been recused from this application.

<u>Marvin Aguilar</u> reads the staff report to include purpose, facts, public hearing results, staff analysis/discussion, recommendation and conditions. [For full content/context, please see attached staff report]

[Attachment C - Staff Report dated March 1, 2018]

<u>Chairman Arroyo</u> seeing no questions for staff, Chairman Arroyo welcomed the applicant to present the application.

<u>Diana Guzman</u> (with Jowell Lapira) this is the last monopole tower that needs approval from the Commission. The pole is located in Dededo.

<u>Chairman Arroyo</u> there were a few objections from surrounding neighbors, but there was one particular neighbor that asked for information on the tower. Was that provided.

Penmer Gulac the resident's concerns was addressed during the hearing.

<u>Diana Guzman</u> we responded to her and provided her the information she needed.

Chairman Arroyo the Commission has heard all issues on radiation, typhoon strength and all other questions related to the tower. This pole is in the middle of a large property that is vacant.

<u>Diana Guzman</u> not really in the middle but closer to the corner portion of the lot. There is a ranch and tire shop on the right side of the property. The pole is located closer to the tire shop.

Vice Chairman Cruz is there anything on the subject lot.

Diana Guzman no, nothing at all.

Marvin Aguilar it was subject to farming in the past.

<u>Vice Chairman Cruz</u> when this is built is it built closest to the property line.

Jowell Lapira is about 15-feet from the property line.

[Discussion ensues on setbacks]

<u>Commissioner Bathan</u> other than the construction of monopole towers, what are the other options for telecommunication companies.

<u>Diana Guzman</u> there are antenna tripods that are placed on roof-top buildings (homes and commercial buildings). There are also utility poles that are placed on easements and GPA pole attachments. Ms. Guzman also states that they are co-locating with other telecommunication carries to minimize the building of monopole towers.

[Discussion ensues]

<u>Chairman Arroyo</u> noting no additional comments and/or questions, Chairman Arroyo opened the floor for public comments.

<u>Public Comments</u> [seeing note, Chairman Arroyo closed the public comment period]

<u>Diana Guzman</u> thanks the Commission for working with them during this entire process for all ten monopole locations.

Chairman Arroyo I am ready to entertain a motion on this application.

<u>Commissioner Bathan</u> I would like to make a motion to approve Application No. 2016-53, for a Zone Variance request for height and use for the construction of a 100-foot telecommunication monopole tower on Lot 10069-3-6, in the municipality of Dededo; subject to the following conditions.

 a) Applicant shall adhere to all the ARC conditions and requirements as stipulated in the official position statements; and, b) The applicant shall also ensure compliance to the one-year time restriction that states a grading or building permit must be obtained from date of recordation of the Notice of Action; otherwise, the approval as granted by the Commission be "NULL" and "VOID" per E.O. 96-26, Section 5."

Chairman Arroyo there is a motion made by Commissioner Bathan, is there a second.

Vice Chairman Cruz I second.

<u>Chairman Arroyo</u> seconded by Vice Chairman Cruz. Discussion on the motion [none noted]. All in favor of the motion say "aye" [Chairman Arroyo, Vice Chairman Cruz, Commissioner Bathan], all opposed say "nay."

[Motion passed; 3 ayes, 1 recuse, 0 nay]

Administrative & Miscellaneous Matters

<u>Chairman Arroyo</u> is there anything we need to discuss before we adjourn.

<u>Nick Toft</u> there has been a request to analyze the issue of the action taken on the LZ vote. Although the rules and regs have not been updated since 2006, the recent statute, Bill 335-33, trumps the rules and regs on this one. Of the votes taken, there were only four affirmative votes that were recorded and then after that no further action was taken on the matter. Is this correct.

<u>Chairman Arroyo</u> yes, that is correct.

<u>Nick Toft</u> under the rules and regs if this was the case, that motion is then tabled and no action is recorded on the motion. The Chairman can then entertain a motion in its opposite form such as a restated motion to deny the application, and this would also require, in this case, five affirmative votes. If this was not received the original tabled motion would be placed on the Unfinished Business for the next meeting. This would apply to all cases.

[Lengthy discussion ensues. Also discussed was approving of hybrid commission minutes and voting process.]

Chairman Arroyo when is the next meeting?

Marvin Aguilar March 22nd.

Michael Borja brought up a few items:

- 1. Reminded the Commissioners to complete and submit Conflict of Disclosure form no later than Friday, April 20, 2018 to the Guam Election Commission.
- 2. In the process of the whole government revenue shortfall, Mr. Borja stated that he has had to do things within the department to do our share in trying to cut costs in everyway possible. One of the things that is being considered is to limit the number of Commission meetings to once a month rather than twice a month.

<u>Michael Boria</u> if the manpower becomes more strained it will be hard for staff to put together the packages that are necessary for the applications. Manpower is constrained all across the board.

[Discussion ensues]

<u>Chairman Arroyo</u> the law says we are required to meet once a month; and, that is fine to have one meeting a month. Chairman Arroyo added that he will not be available for the next scheduled GLUC meeting, and Vice Chairman Cruz will have to run that meeting. There is also a need to elect a new Vice Chairman which was supposed to be done since December.

[Voting for Vice Chairman will be done when all members of the Commission are available]

Chairman Arroyo inquired on the status of the Pago Bay Resort litigation.

Nick Toft hearing is scheduled for some time later this month. Mr. Toft to provide update at the next GLUC meeting.

Vice Chairman Cruz what about this other lawsuit regarding Mangilao Solar Farm.

Nick Toft it will go through the same process that Pago Bay went through.

<u>Chairman Arroyo</u> there is the missing status report from Pago Bay. Have they been contacted? Does the Commission have to issue another Order to Show Cause.

Marvin Aguilar we have not received any firm response from the applicant's representative.

<u>Chairman Arroyo</u> since the Commission is being scrutinized, it was the order of Chairman Arroyo to issue another Order to Show Cause to Guam Wanfang Construction to come before the Commission.

There being no further matters to discuss, Chairman Arroyo requested for a motion to adjourn.

### VI. Adjournment

Motion to adjourn today's meeting was made by Commissioner Bathan, seconded by Vice Chairman Cruz; with all in favor.

The regular meeting of the Guam Land Use Commission for Thursday, March 8, 2018 was adjourned at 4:55 p.m.

Approved by:

Date approved:

John Z. Arroyo Chairman Guam Land Use Commission

Transcribed by:

M. Cristina Gutierrez, Recording Secretary DLM, Planning Division

Mcguline

# HYBRID COMMISSION MEETING MINUTES MARCH 8, 2018

# GUAM/HYBRID LAND USE COMMISSION REGULAR MEETING MINUTES Department of Land Management Conference Room, 3<sup>rd</sup> Floor, ITC Bldg., Tamuning Thursday, March 8, 2018 • 1:42 p.m. to 4:55 p.m.

### I. Notation of Attendance

Chairman Arroyo called the regular meeting of the Guam Land Use Commission for Thursday, March 8, 2018 to order at 1:42 p.m., noting a quorum.

Present were: Chairman John Arroyo, Vice Chairman Victor Cruz, Commissioner Conchita Bathan, Commissioner Tae Oh, Executive Secretary Michael Borja, Legal Counsel Nicolas Toft, Guam Chief Planner Marvin Aguilar, Planning Staff Frank Taitano, Penmer Gulac, Celine Cruz, Grace Vergara and Recording Secretary Cristina Gutierrez

Hybrid Commissioners: Mayor Louise Rivera (Tamuning) and Mayor June Blas (Barrigada)

[Absent from the Hybrid Commission: Mayor Melissa Savares (excused) and Mayor John Cruz, Hagatna]

<u>Chairman Arroyo</u> announced that there are two different Commission meetings today; the regular GLUC meeting and the Hybrid Commission which was called to order first.

### II. Approval of Minutes – Hybrid Commission

<u>Chairman Arroyo</u> first order of business is the approval of the February 22, 2018 (Hybrid) meeting. If there are no questions and/or discussion on the minutes, Chairman Arroyo was ready to entertain a motion for approval of the minutes.

<u>Commissioner Bathan</u> Mr. Chair, I would like to move to approve the meeting minutes of February 22, 2018 subject to any minor edits that will be submitted to Cristina by end of day today.

<u>Chairman Arroyo</u> motion has been made by Commissioner Bathan, is there a second.

Vice Chairman Cruz seconds the motion.

<u>Chairman Arroyo</u> seconded by the Vice Chairman. Any discussion? [None noted] All in favor of the motion say "aye" [Chairman Arroyo, Vice Chairman Cruz, Commissioners Bathan, Vy, Oh, Mayor Rivera and Mayor Blas], all opposed say "nay."

[Motion passed; 7 ayes, 0 nay]

### III. Old or Unfinished Business [None]

### IV. New Business

### Zone Variance/Tentative Development Plan

A. Application No. 2017-29A & B, Applicant, Blue Ocean Investment, LLC represented by TRM Architects; request for a Zone Variance for Height and Density and Tentative Development Plan for the proposed construction of a boutique hotel, on Lots 5093-R1-1-R1 and 5093-R1-1-1 (Tumon), in an "H" (Hotel/Resort) zone, in the Municipality of Tamuning. Case Planner: Celine Cruz

<u>Chairman Arroyo</u> what is being passed out to the Commissioners are the meeting Minutes for the regular meeting with the Tamuning-Tumon-Harmon Municipal Planning Council and a letter from the Guam Visitor's Bureau. Commissioners took a moment to read through the documents. [For full content/context, please refer to exhibits 1 and 2, respectively]

Chairman Arroyo notes as stated in the meeting minutes, the MPC is not in favor of the Blue Ocean Investment project citing inadequate infrastructure and heavy congestion in the area.

The letter of GVB supports the development because it fits in with the 2020 vision for Tumon. It will replace blighted property along San Vitores Road with a new development. The property owner is proactively looking at storm water treatment which will provide assistance to the flooding issue in the area as well as providing additional jobs.

A third letter that was received from Mr. Monte Mesa (private individual) who is also in favor of the project citing the same reasons as GVB. [Exhibit 3]

<u>Celine Cruz</u> summarizes the staff reports for both the TDP and Zone Variance requests, to include purpose, facts, staff analysis/discussion, recommendation, and conditions. [For full content/context, please see attached report]

### [Attachment A/B - Staff Reports dated February 28, 2018]

Chairman Arroyo Commissioners, we are looking at two different applications; first, the approval of the tentative development plan and secondly, a variance for height and density. The summarized report that was just given has to do with the tentative development plan. There is a second staff report having to do with the height & density variance. Chairman Arroyo suggested that the Commission combine the two applications so that when it is time for a vote, it will just be done once rather than two separate votes. [No objections noted from the Commissioners]

Continue with the second staff report --

<u>Celine Cruz</u> continues with the second staff report for height and density variances to include public hearing results, staff analysis/discussion, recommendation and conditions. [For full content/context, refer to Attachment B dated 2/28/2018.]

Commissioner Bathan is there a copy of the billboard notice.

Celine Cruz it was received by email in a timely manner and on file.

<u>Chairman Arroyo</u> no additional questions noted, Chairman Arroyo invited the applicant to present the application.

<u>Mike Makio</u> (with Aquilino Cabrias and David Leon Guerrero) presented project presentation to the Commission which included:

- Project background TRM Architects made a large effort to integrate a lot of Mayor Rivera's ideas regarding sustainability, energy efficiency and to improve the overall character of Tumon and took this seriously into account;
- > The property is approximately 2 acres and located between Tumon Sands Plaza and K-Commercial building; allowable density is 69 units, the requested density is 298 units, and providing 314 stalls which exceeds the parking requirements;
- ➤ It a blighted lot with remnants of a concrete pad and overgrown vegetation; located on San Vitores and not between San Vitores and the Tumon shoreline. It does not impede the "shorescape" or access to the beaches;
- > Smart growth principles focusing on the infill site uses on existing infrastructure, roads and sidewalks, conserving nearby heritage and scenic sites;
- Integration of Guam's heritage with indigenous iconography which has been incorporated into the project;
- Diagrams show the Blue Ocean structure relative to taller buildings in Tumon;
- Innovation of this project connects urban design and architecture by using less land resources while improving economic, social and natural features;
- Height and density play a strategic role in the economics, social and scenic sustainability of Tumon. Additional height integrates energy such as building integrated photovoltaics on canopies, parking structures, green roofs on the hotel. All this is done to keep the heat down to reduce energy consumption;
- Next slide shows the Tourism 2020 plan;
- Slide 7 site plan, vehicle access is only through the northbound traffic on San Vitores. The site is intended to use storm water mitigation measure such as rain water harvesting, vertical landscaping, and bio-swales to reduce the runoff from the site helping alleviate the flooding issues at the ponding basin;

Chairman Arroyo where is the ponding basis located.

<u>Mike Makio</u> the left-hand corner is the exit of Burger King and south of that is the location of the ponding basin. Everyone knows the issues with the ponding basin and issues with storm water in general.

<u>Chairman Arroyo</u> how susceptible will the project be to the flooding; with heavy rains that come through that the ponding basin is not sufficient to handle all the water.

Mike Makio the goal is to catch the rain water to be used for reuse.

Commissioner Oh the storm water will be captured and utilize it and basically recycle the water.

<u>Mike Makio</u> explains that it will be caught on the roof and on the vertical surfaces. The taller surface the more rainwater is going to hit it and the more that can be captured. Once the water is captured it will be placed in tanks and some of the tanks have secondary treatment components. Once the water is treated then it can be used for flushing of toilets.

Commissioner Oh what about the surface water.

<u>Mike Makio</u> same situation. They have the ability to catch the surface water as well; it is just a matter of catching and diverting the water to a sub-surface level storage area.

<u>Aquilino Cabrias</u> percolation chambers. Anything caught on the roof will be treated for secondary use.

<u>Mike Makio</u> most of the properties located behind this area do not comply with the storm water rules. A lot of that storm water lands and rolls down the street.

[Discussion ensues on storm water runoff. Anything to slow the water will allow the sediment to settle down before going into the ponding basin where it can create serious health issues.][Continuation of presentation]

- Slide 8/9 Project amenities; ground floor includes porte-cochere, bakery. On the second floor a café; amenities also include bar/lounge, retail, terrace garden, fitness room, spa, infinity pool, showers. On the fifth floor will be the main check in lobby, self-check in kiosk, vendor gallery, business meeting rooms, photovoltaic panels;
- ➤ Slides 10/11 Isometric views of the north-west and west, building street view. The front façade is set back from San Vitores Road to provide open space for pedestrians:
- ➤ Slide 12 hotel is oriented to minimize its visual impact by aligning it perpendicular to San Vitores and the shore line, angled balconies'
- ➤ Slide 13 green features to include green walls, terraced garden, roof top gardens, photovoltaic panels, rainwater catchment, lush landscaping, low "E" glazing, and statement that sustainability and energy efficiency is important;
- Slide 14 Chamoru iconography; using heritage motif that are endemic to Guam to further tie the building's connection with the tourist district, Tumon, and Chamorro culture;
- ➤ Slide 15 businesses within the vicinity of the project site;
- Slides 16/17 Blue Ocean layouts of floors;
- Slides 18/19 excerpt of traffic impact assessment and collaboration with GovGuam agencies;

Aquilino Cabrias on the traffic impact assessment; Mr. Cabrias analyzed the intersections at Happy Landing and San Vitores Road and close to the police precinct. Traffic count was conducted for every vehicle that passed through the intersections and recorded. This is the current traffic volume at present time at the location of the proposed project. Those numbers were then used to put into a program to determine the number of trips coming out of the development. This development will not adversely impact the traffic condition for that particular intersection or the roads surrounding it.

Michael Borja the intersection is designed for right turn in, right turn out; no left turns in/out.

### Aquilino Cabrias that is correct.

<u>Mike Makio</u> all agency reviews and the way the zoning was established for this "H" zone location; it is established for high intensity uses. It is supposed to be more like an urban location and that is the plan. All the agencies review this project with that in mind.

One of the opposing letters comments that this is a residential area; this is an urban residential area which is not the same thing. This is a high intensity residential area; it is not Yona, Umatac. The expectation and the criteria applied are based on how the area is zoned which is key. This is where higher development is supposed to be, this is where more people walking around. This place is zoned to accept the numbers for guest rooms and it is a generator of tourism, it's an economic generator and that is the zone.

Commissioner Oh is there access to Happy Landing Road.

<u>Mike Makio</u> this property does not surface onto Happy Landing Road. K's Plaza is between this project and Happy Landing Road. This project will not add direct egress/ingress from Happy Landing Road onto this property.

<u>Commissioner Oh</u> on the left side of the lot is Tumon Sands Plaza. There is a road entering Tumon Sands at that location which is at the edge of this property. Is that access a public or private easement.

<u>Mike Makio</u> it is a private easement, and that is according to the maps that they have seen it is a private access.

[Lengthy discussion ensues on easement in question, egress/ingress for the development, traffic assessment]

- Slide 20 calculations on determining height;
- > Slides 21-25 Justifications on the need for a height variance;

[This concludes the presentation. For content/context of the PowerPoint presentation please refer to Exhibit 4]

<u>Mike Makio</u> (Mayor Rivera) how do you feel about the project, not how you will vote.

<u>Mayor Rivera</u> after listening to the presentation it is a wonderful project, self-sustaining. However, as it stands at this time there is a problem down there. Mayor Rivera has read through the ARC position statements. Mayor Rivera expressed that there is no trust, and this is the issue and that is the reason why the MPC voted to disapprove it. Although Mayor Rivera loves the project, she expressed that she is here to represent the residents of Tamuning and the MPC.

<u>Commissioner Bathan</u>, one of the concerns of the MPC is the traffic. Was a copy of the traffic study provided to the MPC.

<u>Mike Makio</u> the study was included in the larger packet that was presented to the MPC. We have to remember what this zone is and how it is used.

<u>Chairman Arroyo</u> this the issue and not well understood and that this is not a residential area. This is not those places that was mentioned previously in Umatac or Merizo; this is designed to be high intensity. It is designed to have a lot of vehicle and foot traffic. It is a money maker for the island and this is where we need to see this type of activity happening. For those people who are looking back in the old days where Tumon was primarily residential and not much happening there, they can't have that idea about that area going forward anymore because that is not what Tumon in anymore. It is grown and completely different.

Any other questions.

<u>Vice Chairman Cruz</u> the MPC minutes; number 3, heavy congestion on traffic. It will happen. What infrastructure are you referring to in the minutes.

<u>Mayor Rivera</u> the current problem with the flooding and the ponding basin having insufficient capacity. Depending on how long it rains and the containment in different places and it is not working to minimize the flooding. It is a great development but the infrastructure is not there. Mayor Rivera is offering Mr. Makio to go before the MPC at its meeting tomorrow and discuss the project with them to make them better understand the project.

<u>Mike Makio</u> participates on the GVB management committee which has been looking at the ponding and storm water problems. Most of the hotel and resort entities do comply with the storm water management program. The problem is with the older projects in Tumon. There is a program that GVB is undertaking to improve the flooding situation. There are new developers who are willing to execute the best management practices for storm water, and by saying no to them, these are the people willing to invest in storm water management and improve the situation.

<u>Chairman Arroyo</u> states that he sat on this committee as well and confirmed that Mr. Makio's statement is correct. There is no monitoring, no authority to issue citations to businesses who are not in compliance.

<u>Vice Chairman Cruz</u> on storm water management practice does this take a big portion out of the budget to provide best storm water management.

Mike Makio it does.

Mayor Rivera this is like the Talo Verde issue.

<u>Michael Borja (Executive Secretary)</u> disagreed with Mayor Rivera's comment. Mr. Borja states that this is a hotel/resort zone, and that the Tumon area and San Vitores Road was designated as hotel/resort zone for the purpose of these types of development.

Mayor Rivera the flooding in the area is a problem.

<u>Michael Borja</u> because of this flooding issue, you will hold up development in the whole central area.

<u>Chairman Arroyo</u> they are trying to mitigate some of these issues. If the Commission does not allow this project to go forward the flooding will not get any better and will remain the same. There are some mitigation efforts on the applicant's part.

<u>Mayor Rivera</u> recommended that the application be tabled and asked that Mr. Makio go before the Tamuning MPC to further explain the project.

Michael Borja states that for the last four years the members of the Tamuning MPC have consistently objected to most development in the Tamuning community. In the Minutes provided today, three of the five projects proposed were disapproved. Mr. Borja further comments that members of the MPC are not elected nor are they confirmed by the Legislature, but demand that they have a veto authority over the decisions made by members of this Commission who are selected by the Governor and confirmed by the Legislature. Tamuning MPC has continuously found reasons to not support private landowners' desires to develop their properties. In this particular case, the applicant proposes a hotel in a hotel/resort zone which is specifically, specifically zoned for this purpose.

[Discussion ensues]

<u>Mayor Rivera</u> reiterates that she is requesting that the application be tabled, and that Mr. Makio go before the MPC to further explain the project.

<u>Michael Borja</u> asks what this would accomplish; will members change their minds. The law requires that the applicant only collects and catches the runoff from what is on their property.

<u>Mike Makio</u> states that he is an advocate for good planning and the Mayor and members of this Commission knows this. It is part of their responsibility to remind people the difference between good planning and smart growth. Mr. Makio asked the Mayors to consider, as they move forward, is that when they go to the Mayors as engineers, planners and designers they have to comply with standards, rules, mandates and regulations. They do not have the luxury of designing based on moods; they are required to comply with requirements of professionals. Mr. Makio is willing to meet with the Tamuning MPC if needed.

<u>Commissioner Oh</u> how many members of the MPC were present at the public hearing.

Mayor Rivera only five members showed up.

<u>Commissioner Oh</u> five members out of fifteen; the vote did not happen at the public hearing and assumed a few days later. Were all fifteen members in attendance at the meeting. [Mayor Rivera responds that only eleven there present] Commission Oh asks, and out of the eleven, how many attended the public hearing. [Mayor Rivera responds "four."] Commissioner Oh comments that without the members being at the public hearing, he did not feel they had all the information needed to move forward with a vote.

<u>Mayor Rivera</u> stated that another issue that the MPC members had was on parking and Happy Land Road.

Commissioner Oh commented that recently there was another applicant that was before the Commission on YPao Road. There are great ideas on new development. This is a good development for this area. The other applicant was doing something good for the community, and to build a structure within a certain amount of space in order to maintain more green space, less footprint, less issue on parking and that egress/ingress would improve. Commissioner Oh is bothered by the fact that developers, private citizens, are being held hostage because of the lack of poor planning, insufficient amount of public investment that is needed for infrastructure. Developers that have come up with good development ideas are being held back because of traffic issues, water issues, etc. A lot of these issues could have been solved by proper planning. In this case, for this application, proper planning is in place and the applicant is upholding their responsibility. But, if this government board decides not to approve this application for whatever reason, and the proposed development can be beneficial to the community, what type of message is the Commission sending to potential developers.

<u>Chairman Arroyo</u> the applicant/consultant are willing to meet with the MPC. Chairman Arroyo noted for the record that the Commission does not need to go any further at this point until they come back before the Commission again.

It was the order of Chairman Arroyo to continue the hearing of this application until such time Mr. Makio has had the opportunity to meet the Tamuning MPC, and hopefully to come to some sort of amicable agreement.

## V. Administrative & Miscellaneous Matters

Chairman Arroyo there was an issue on the voting process for the LZ Company application.

Nick Toft (Legal Counsel) a letter was received from LZ Company regarding the voting procedure of the Hybrid Commission, and the ability of the Chairman to vote. Attorney Toft reviewed the laws on the subject; whether or not it is hybrid or not, the Chairman has the ability to vote or to abstain from the vote if he/she chooses on all questions. The reason why the Chairman's vote is customarily used as a tie-breaker is because if you have a committee of five people and it requires three for a pass, usually you have a tie situation where it is two to two; it is the vote of the Chairperson that breaks the tie. This has changed with the creation of the hybrid commission. The Legislature has determined that there is a requirement of five affirmative votes; but without any additional guidance from the Legislature as to procedure, we have to assume that the Chairman still has the ability to vote or to abstain on an issue if he/she so chooses.

Chairman Arroyo thank you. This Commission will now recess.

[Commission takes a ten-minute break before moving onto the regular Guam Land Use Commission hearing]

The regular meeting of the Guam/Hybrid Land Use Commission for Thursday, March 8, 2018 recessed at 3:25 p.m.

Approved by:

Date approved:

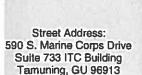
John Z. Arroyo, Chairman

Guam/Hybrid Land/Use Commission

Transcribed by:

M. Cristina Gutierrez, Recording Secretary

DLM, Planning Division



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#### ATTACHMENT A

# DIPATTAMENTON MINANEHAN TÅNO' (Department of Land Management) GUBETNAMENTON GUÄHAN (Government of Guam)



MICHAEL J.B. BORJA Director

DAVID V. CAMACHO Deputy Director

EDDIE BAZA CALVO

RAY TENORIO Lieutenant Governor

March 1, 2018

To:

Chairman, Guam Land Use Commission

From:

Guam Chief Planner

Subject:

Staff Report - Application No. 2016-53,

Zone Variance for portion

Lot No. 10069-3-6, Municipality of Dededo

### 1. PURPOSE:

- a. Application Summary: The applicant, Docomo Pacific, Inc. Guam is requesting for a Zone Variance approval for use and height to construct, operate and maintain a 100 feet telecommunication monopole tower on a portion of Lot 10069-3-6, Municipality of Dededo, in an "A" (Agricultural) zone
- **b.** Legal Authority: Title 21, GCA (Real Property), Chapter 61 (Zoning Law) Sections 61616 to 61624 (Variances).

### 2. FACTS:

- a. Location: The subject site is located along a 50-foot right of way and approximately 100 feet south of Y-SengSong road and approximately 300 feet south of Park's Retail Store in Dededo.
- b. Lot Area: Leased portion of lot at 900 Square Meters or 83 Square Feet.
- c. Present Zoning: "A" (Agricultural) Zone.
- d. Field Description: Presently vacant and overgrown vegetation within its borders.
- e. Masterplan: Residential Open space; low density.
- f. Community Design Plan: Open space; Residential low density
- g. Previous Commission Action: None

### 3. APPLICATION CHRONOLOGICAL FACTS:

a. Date Application Accepted: November 29, 2016

**b. Date Heard By ARC:** December 15, 2017.

c. Public Hearing Results: August 15, 2017 (See Attachment "A"

### 4. DISCUSSION and STAFF ANALYSIS:

As proposed, the zone variance request for use and height to construct, operate and maintain a 100 feet telecommunication monopole tower on the subject site is intended to enhance the wireless coverage and improve services for the residents of the immediate area and overlaying areas of Dededo.

Pursuant to Section 61617 (Variance Requirements) of Chapter 61 (Zoning Law), 21 GCA, variances may be granted by the Commission, provided the applicant can justify practical difficulties or unnecessary hardship inconsistent with the general purpose and intent of the law, that there are exceptional circumstances or conditions applicable to the property or to the intended use that do not apply generally to other properties in the same zone, that the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the neighborhood, that the granting of the variance will not be contrary to the objectives of any part of the Guam Master Plan and that the proposed building will substantially enhance the recreational, aesthetic or commercial value of the beach area upon which the building is to be constructed, and that such building will not interfere with or adversely affect the surrounding property owner's or the public right to untrammeled use of the beach and it's natural beauty.

a. That the strict application of the provisions of Section 61617, 21 GCA would result in practical difficulties or unnecessary hardship inconsistent with the general purpose and intent of the law.

The applicant provides;

DOCOMO Pacific, Inc. seeks to improve its telecom infrastructures to provide quality services across the island of Guam, most especially in underserved areas with less robust signal coverage. The proposed tower location is critical to ensure the widest and best coverage. Guam enacted the Executive Order 2001-36 to allow Guam Telecommunications companies to develop competitive, safe & efficient mobile communications services. This Variance request is consistent with the general purpose and intent of the law, and further, if not granted, will impose significant delays and logistical hardship, not least of which will be the necessity of selecting an inferior alternative site.

b. That there are exceptional circumstances or conditions applicable to the property involved or to the intended use thereof that do not apply generally to other property in the same zone.

The applicant provides:

The Company performed extensive radio frequency (RF) simulation & testing conducted at several locations, the results of which indicated that the site in question is ideal for improving coverage in the area, and also that alternative sites in the area were inferior from a coverage and/or logistical standpoint.

c. That the granting of Variances will not be materially detrimental to the public welfare or injurious to the property improvements in the neighborhood in which the property is located.

The applicant provides:

All equipment installed and maintained by the Company is licensed and regulated by the Federal Communications Commission (FCC), which regulations include operating frequencies, range, and power levels consistent with public safety and industry best practices.

Further, the Company maintains a Comprehensive General Liability Insurance policy, which requires a minimum of \$1,000,000 liability policy for each site constructed. All sites are registered and recorded with the FCC.

In response to;

d. The granting of such Variances will be contrary to the objectives of any part of the Guam Master Plan:

The applicant provides:

This Telecommunication site is being constructed to fulfill both the current and future demands of the Community for state-of-the-art coverage island-wide, a goal that is consistent with Executive Order 2001-36 enacted to benefit the people of Guam.

e. That, as to Variance(s) from the restrictions of Section 61617, 21 GCA, the proposed building will substantially enhance the recreational, aesthetic or commercial value of the beach are upon which the building is to be constructed and that such building shall not interfere with adversely affect the surrounding property owners or the public right to an untrammeled use of the beach and its natural beauty.

The applicant provides:

The requested variance is not located near a beach.

In our assessment of the response provided by the applicant in reference to the criterion cited in Section 61617 (Variance Requirements) of Chapter 61 (Zoning Law), 21 GCA, we find that the applicant has provide adequate justification in reference to their request that there are practical difficulties or unnecessary hardship inconsistent with the general purpose and intent of the law, that there are exceptional circumstances or conditions applicable to the property or to the intended use that do not apply generally to other properties in the same zone, that the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the area, that the granting of the variance will not be contrary to the objectives of any part of the Guam Master Plan, that the proposed building will not adversely affect the surrounding properties or public right to an untrammeled use of the beach and its natural beauty.

In addition, the result of the public hearing shows no major or significant concerns from those in attendance. Department of Public Works, Guam Water and Power Authority with no objection; only the Bureau of Planning's objection noted on their position and assessments with recommendations on the proposed antenna tower. Therefore, we conclude this request is in proper form and context to be considered favorably by the Guam Land Use Commission.

### 5. RECOMMENDATION: Recommend Approval with conditions as follows:

- A. The Applicant shall adhere to all the ARC conditions and requirements as stipulated in their Official Position Statement; and
- B. That the Applicant shall also ensure compliance to the 1-year time restriction that states a "grading or building permit must be obtained from date of recordation of the Notice of Action; otherwise the approval as granted by the Commission be "NULL and VOID" per Executive Order 96-26, Section 5".

MARVIN Q. AGUILAR

Chie Pelanner

### Attachment - A: Public Hearing Minutes of August 15. 2017

Re: Staff Report - Application 2016-53, Zone Variance

Lot 10069-3-6, Municipality of Dededo

GLUC Meeting: March 8, 2018

The required public hearing was held at the Dededo Senior Cit Ctr, next door to Mayor' Office on August 15, 2017, at 6:05 P.M. Present were, the Case Planner, Docomo's representatives and technical staff; Diana Guzman; Kyung S. Kim and Jowel Lxpirx, the Mayor and Vice Mayor and 9 public attendees.

The Case Planner presented the proposed project and purpose of the hearing, and read the positions statements from, Department of Public Works, Guam Waterworks and Guam Power Authority with no objection, and provided requirements, conditions and other permitting requirements noted for the project. Bureau of Statistics and Plans position statement was also presented with noted concerns as it may be materially detrimental and injurious to property should the structure fail, further note their objection on the project. Ms Guzman (Docomo) highlighted details of the application and intentions of Docomo; she discussed the time frame of the application process, proposed construction, improvements and compliance of the building code, permits required for development on the site; access to the site and area of development. She further noted the location was chosen as the best site for the antenna and she reported the there is no health risk in the operation of such tower on this site.

Public comments and concerns that were noted are as follows:

### Mr. William Penn:

He was commenting that this is family land had concerns of the radiation effects on humans as its very close proximity to residents nearby and he used to live in this area and now it was leased for commercial uses for an antenna tower to serve the area. He further asked if other sites were considered...

Dean Penn: Can another site be chosen..its too close to residents..

Mr. Lxpirx, Docomo Tech: There's very low power operating the system, and no health risk to humans, for example a household microwave oven generates 2,00 watts, Docomo system generates around 10 percent of what a microwave generates..its very low. These antennas and its operations have been cleared by Federal communications Commission (FCC).

### Page 2: PUBLIC HEARING MINUTES (Attachment - A) Lot 10069-3-6, Dededo

Kyung S. Kim (Docomo Tech); Stated that all Docomo antenna poles are rated at (210 miles per hour) and can withstand typhoon winds, made of special steel from Korea.

### Mayor Savares:

The Mayor stated that the Municipal Planning Council (MPC) will be reviewing and will be hearing this case and will be forwarding a resolution on the outcome of MPC hearing to DLM, she stated that this area continuous to grow and good communication services is needed to support the community.

### <u>Planning Staff Summary of Public Hearing:</u>

After discussion on the project and information given by the consultant, and clarification of the access, development of the site, structural integrity of the tower, the public and those in attendance with concerns were answered by staff and Docomo staff. No Significant concerns were noted.

Planning Staff reminded the Mayor to provide a Municipal Planning Council Resolution prior to the Land Use Commission hearing.

Planning informed those in attendance that the next hearing will be with the Guam Land Use Commission (GLUC), ITC Building, and will be announced in the daily newspaper circulation 10 days prior to the hearing date and time.

There hearing was adjourned at 77:45 p.m.

Penmer Gulad, Case Planner

## Attn: Chairman, GLUC or Executive Secretary, GLUC

Jose M Leonguerrero < chamorro 1@frontier.com>

Mon 8/14/2017 9:26 AM

To LAND MGT DIRECTOR < LANDMGTDIRECTOR@land.guam.gov>;

Subject: Construction of Docomo Pacific Inc., Guam Monopole Antenna Lot 10069-3-6, Application No. 2016-53

Hafa Adai and Good Morning,

1. We want to express our appreciation in providing us with the opportunity to express our concerns regarding said antenna erection.

However, it is very certain that our response will not meet your dateline of August 15, 2017 if we go thru the U.S Postal System. Therefore.

our only hope in meeting your dateline is through email. We're hoping that someone in your department will put our concerns on the agenda for discussion. Here are our concerns:

a. Was a feasibility study conducted and was it forwarded to the particular affected property owners off island? If a feasibility study

has been conducted, were the following addressed:

- (1) Radiation hazards
- (2) Noise pollution
- (3) The devaluation of the adjacent properties
- b. Having experienced typhoons on the island, no structure on the island is strong enough to withstand mother nature. Therefore, who is responsible for the removal of the debris from the antenna when it falls and lands on the adjacent properties (i.e., debris, such as the repeater equipment mounted on the antenna, etc)?
- 2. Your letter, dated, July 28, 217 was our first notification of Docomo Pacific Inc., requesting for a Zone variance for height to construct and maintain a 100ft telecommunication monopole tower. It is our understanding that the antenna has already been erected. If so, it appears your letter utilizes the adage of "The cart before the horse."

Please advise us upon receipt of this email. We look forward to your response. Thank you.

Sincerely,

Jose M. and Concepcion Q. Leon Guerrero chamorro1@frontier.com



### **Penmer Gulac**

From:

Cristina Gutierrez

Sent:

Wednesday, August 23, 2017 9:02 AM

To:

Penmer Gulac

Subject:

FW: URGENT - CONSTRUCTION OF DOCOMO PACIFIC, INC. 100 FOOT MONOPOLE

TOWER, APPLICATION NO. 2016-53, LOT 10069-3-6

**Expires:** 

Tuesday, November 21, 2017 12:00 AM

Hi Pen,

Please print and place in case file.

Thank you,

Cristina

From: Michael Borja

Sent: Wednesday, August 23, 2017 8:53 AM

To: Cristina Gutierrez < Cristina.Gutierrez@land.guam.gov>; Marvin Aguilar < Marvin.Aguilar@land.guam.gov>

Subject: Fwd: URGENT - CONSTRUCTION OF DOCOMO PACIFIC, INC. 100 FOOT MONOPOLE TOWER, APPLICATION NO.

2016-53, LOT 10069-3-6

MICHAEL J.B. BORJA
Director, Dept of Land Management
Government of Guam
michael.borja@land.guam.gov
(671) 649-5381

----- Forwarded message -----

From: "LAND MGT DIRECTOR" < LANDMGTDIRECTOR@land.guam.gov>

Date: Wed, Aug 23, 2017 at 8:18 AM +1000

Subject: Fw: URGENT - CONSTRUCTION OF DOCOMO PACIFIC, INC. 100 FOOT MONOPOLE TOWER, APPLICATION NO.

2016-53, LOT 10069-3-6

To: "Michael Borja" < Michael Borja@land.guam.gov >

From: Francine Cruz <francinecruz00@gmail.com>

Sent: Tuesday, August 22, 2017 9:09 PM

To: LAND MGT DIRECTOR

Subject: URGENT - CONSTRUCTION OF DOCOMO PACIFIC, INC. 100 FOOT MONOPOLE TOWER, APPLICATION NO. 2016-

53, LOT 10069-3-6

Dear Mr. Borja, DLM,

I am writing as I was informed via mail of the above subject matter. I attended the public hearing on August 15, 2017 and I have communicated my concerns through this forum. I would like to ensure that this is communicated via email as well. Please note the following concerns based on the plan for this construction of a 100 foot Monopole Tower:

- \*Health & Safety Concerns
- \*Devaluation of Land/Property Value
- \*Noise Pollution

During the public hearing, I or those in attendance have requested for the following information:

- \*Unbiased and official reports that guarantee no health nor safety concerns
- \*Study on land/property values of where similar projects were erected. Please include information before and after the project as well as qualitative and quantitative information.
- \*List of unapproved projects which are similar in nature to this project. Would like to understand where these were to be located as well as the reason for the denial.

Additionally, after being able to review all of the material provided at the public hearing, I noticed the concerns of Bureau of Statistics & Plans. There were a few concerns raised which include land use, that of Zone A and the potential adverse conservation or agricultural effects. Manuel Cruz recommended that Docomo Pacific, Inc. consult with Department of Agriculture. Please advise if this has been completed and if so, please share the findings. Also, raised was the concern of safety. According to the letter, the applicant "lacked clear specifications such as tolerance to storm hazards to assure public safety and welfare or injurious to the property and residents in the area." Ultimately, "the Bureau recommends objection to this project" and reminds all "as government officials, it is our primary responsibility to ensure that the construction and operations of this proposed endeavor are in a manner designed to protect the public health, safety, and to promote the public welfare and convenience. We also encourage the applicant to protect Guam's natural resources and to ensure they are used in a sustainable manner."

Lastly, in order to ensure that my voice and concerns are heard, I requested that the public notice be visible. There is a photo of a public sign that was provided for the August 15th public hearing, but I have never seen this sign. I believe that this may be located at the property which is located in a private road. Fortunately, we were provided with the information of the August 15th public hearing through mail. I believe that this will not be the case for the future meeting. If possible, please inform me of the next meeting via this email address. I will also try to continually visit the GLUC/DLM website. Please note that most individuals do not read the Guam Daily Post.

I look forward to your reply. Thank you in advance.

Best regards, Francine Cruz Mafnas 188 Chalan Irensia, Dededo, Guam 96929 Home Phone 671-969-0064 Street Address: 590 S. Marine Corps Drive Suite 733 ITC Building Tamuning, GU 96913

> Mailing Address: P.O. Box 2950 Hagatña, GU 96932

Website: http://dlm.quam.gov

E-mail Address: dlmdir@land.guam.gov

Telephone: 671-649-LAND (5263)

Facsimile: 671-649-5383



### DIPÅTTAMENTON MINANEHAN TÅNO' (Department of Land Management) GUBETNAMENTON GUÄHAN (Government of Guam)



MICHAEL J.B. BORJA Director

DAVID V. CAMACHO Deputy Director

EDDIE BAZA CALVO Governor

RAY TENORIO Lieutenant Governor

February 28, 2018

### **MEMORANDUM**

TO:

Guam Land Use Commission (GLUC) Members

FROM:

Chairman, Application Review Committee (ARC)

SUBJECT:

Summary of Positions Submitted by ARC

RE:

Application No. 2016-53 (Zone Variance)

Listed below is the compilation of Positions taken by the various ARC member agencies as submitted to Planning Division, Department of Land Management. The conditions as imposed by the ARC member agencies are listed when applicable.

### **DEPARTMENT OF LAND MANAGEMENT (DLM):**

Planning staff recommends approval with the following conditions;

- A. The Applicant shall adhere to all the ARC conditions and requirements as stipulated in their Official Position Statement; and
- B. That the Applicant shall also ensure compliance to the 1-year time restriction that states a "grading or building permit must be obtained from date of recordation of the Notice of Action; otherwise the approval as granted by the Commission be "NULL and VOID" per Executive Order 96-26, Section 5".

### **DEPARTMENT OF PUBLIC WORKS (DPW):**

DPW recommends approval, subject to the comments reviewed by the Application Review Committee (ARC) with the following conditions:

- the drawings (structural, electrical and civil) incorporated in the application is totally different from the above lot number and location;
- must revised the sheet content in the drawings as per location;
- installation must be well engineered that can withstand all wind, vibration forces of 170 MPH; and

Continuation of Memorandum Ref: ARC Summary of Position Statements - Application No. 2016-53 February 28, 2018 Page 2 of 5

for building permit application must have a complete set of drawings that
meets all the requirements in conformance with the latest building code
edition and must be signed by a registered engineer per discipline.

# **GUAM WATERWORKS AUTHORITY (GWA):**

The Guam Waterworks Authority (GWA) has reviewed the applicant's request for a zone variance for height for a permitted 100-foot telecommunication monopole tower on portion of Lot No. 10069-3-6, in an "A" (Agriculture) Zone, in the Municipality of Dededo.

This memorandum shall serve as GWA's position statement to the above zone variance request related to availability of water and sewer infrastructures to serve the above subject lot. This position statement shall not be construed as notice that water and sewer systems have the capabilities to accommodate the proposed development including fire flow without on-site or off-site improvements. Any extension of the water and sewer systems and/or capacity upgrades required to serve property shall be subject to the rules and regulations of GWA. Any required extension to the existing facilities to serve the subject properties shall be at expense of the applicant.

Given the information provided in the application and field observations, the following comment is GWA's position in favor of the approval of this zone variance application:

The applicant's request for a zone variance for height will not require an increase in water and wastewater services and there are no GWA utilities that will be impacted following the approval of this zone variance request. Therefore, GWA has no objection to this application request.

This GWA Position Statement shall remain valid for 365 calendar days from the date of this response.

#### **GUAM POWER AUTHORITY (GPA):**

Guam Power Authority has reviewed the application described above and submits the following position statement:

- A. Comments and Recommendations Concerning GPA requirements:
- Customer is required to comply with the following pursuant to the National Electric Code, National Electric Safety Code and GPA's Service Rules and Regulations:
  - Coordinate overhead/underground power requirements with GPA Engineering for new structures.
  - Maintain minimum clearances as defined by the current edition of the National Electrical Safety Code and National Electrical Code.
  - Maintain adequate clearance between any structures and electric utility easements in accordance with NESC and GPA requirements.

Continuation of Memorandum Ref: ARC Summary of Position Statements - Application No. 2016-53 February 28, 2018 Page 3 of 5

- Developer/Owner shall provide necessary electric utility easements to GPA prior to final connection.
- Provide scheduling and magnitude of project power demand requirements for new loads.
- All relocation costs for GPA's facilities, if necessary, is 100% chargeable to the applicant including but not limited to labor and materials.
- 2. Primary distribution overhead and underground line extensions and GPA service connections must adhere to the guidelines outlined in the current issue of GPA's Service Rules and Regulations.
- 3. A system impact assessment may be required to determine the effect of this facility on GPA's existing power facilities.
- 4. All costs associated with the modification of GPA facilities shall be chargeable to the customer. This includes relocation costs, new installation costs and any required system upgrades.
  - B. General Comments:

GPA has no objection to the request subject to the conditions cited above.

### **BUREAU OF STATISTICS AND PLANS (BSP):**

The Bureau of Statistics and Plans (Bureau) has completed its review of the application and provides the following comments and recommendations.

Land Use. Lot 10069-3-6 Dededo is located in an "A" Rural/Agricultural Zone. Docomo Pacific Inc. Guam states that the proposed location is intended to provide overall island coverage and improve service for residents as well as enhance emergency access and Homeland Security capabilities in emergencies.

The Bureau is concerned that the installation of the 100 ft. monopole tower may restrict other uses permitted in an "A" zone inclusive of farming and activities carried on in the field of agriculture, such as the production of crops, fruits, and poultry to name a few. The Bureau advises Docomo Pacific Inc. Guam to consult with the Department of Agriculture on any potential adverse conservation or agricultural effects.

Safety Precaution. The safety of residents in this area is of utmost concern, should a typhoon or natural disaster occur. The bureau is concerned about the possibility of the tower collapsing as a result of the natural disaster or the failure of one or more of the tower's components.

In their justification letter, Docomo Pacific Inc. Guam maintains that all equipment installed and maintained by the company is licensed and regulated by the Federal Communications Commission (FCC). The company further maintains a Comprehensive General Liability Insurance policy, which requires a minimum of \$1,000,000 liability policy for each site constructed. While the applicant asserts that it complies with FCC regulations, they lacked clear specifications such as tolerance to storm hazards to

Continuation of Memorandum Ref: ARC Summary of Position Statements - Application No. 2016-53 February 28, 2018 Page 4 of 5

assure public safety and welfare and that the granting of the height variance will not be detrimental to public welfare or injurious to the property and residents in the area.

Therefore, the Bureau finds that the proposed 100ft. monopole tower presents potential danger of collapsing in the event of storm winds exceeding the strength tolerance rating within the fall radius should the structure fail. The applicant is strongly advised to implement safety measures to ensure the protection of the community in the event of tropical storms, typhoons, seismic activity and other catastrophic events.

Best Management Practices. The subject property is located in the Mataguac Spring-Frontal Pacific Ocean Watershed, which contains the Northern Guam Lens Aquifer. According to National Oceanic Atmospheric Administration's (NOAA) Coastal Change Analysis Program (C-CAP) this area has seen an increase in impervious surfaces and a decrease of forested area between the years of 2005 and 2011. The C-CAP further characterizes that 27.3% of this watershed is developed and 12.08% is impervious. As surface area increases so does the risk of flooding and degradation of water quality.

Although the project site is less than an acre, the applicant is required to implement best management practices before, during, and after construction of the telecommunications tower to control erosion, sediment, and runoff on site. Docomo is further advised to consult with Guam Environmental Protection Agency for effective implementation of these practices that may include but are not limited to the following:

- 1. Install perimeter sediment controls to retain or filter concentrated runoff from disturbed areas to trap or retain sediment before it leaves a construction site.
- 2. Minimize unnecessary clearing and grading to preserve existing natural areas.
- 3. Disturbed areas shall be stabilized as soon as feasibly possible after construction.
- 4. Where feasible, schedule construction during dry season.

In light of the points presented above, the Bureau finds that the tower can be materially detrimental and injurious to property should the structure fail. We further find that the construction of a tower in an agricultural area can restrict other activities allowed in an "A" zone. Therefore, the Bureau recommends objection to this project. Subsequently, if this application is approved, the applicant must comply with all established laws, comply with the recommendations above, and implement safety measures to ensure the safety of the community in the event of tropical storms, typhoons, seismic activity and other catastrophic events.

Ref: ARC Summary of Position Statements - Application No. 2016-53 February 28, 2018 Page 5 of 5 Continuation of Memorandum

As government officials, it is our primary responsibility to ensure that the construction and operations of this proposed endeavor are in a manner designed to protect the public health, safety, and to promote the public welfare and convenience. We also encourage the applicant to protect Guam's natural resources and to ensure they are used in a sustainable manner.

# **DEPARTMENT OF PARKS AND RECREATION (DPR):**

Has not submitted Position Statement as of Staff Report date.

# **GUAM ENVIRONMENTAL PROTECTION AGENCY (GEPA):**

Has not submitted Position Statement as of Staff Report date.

### **GUAM ECONOMIC DEVELOPMENT & COMMERCE AUTHORITY (GEDCA):**

Has not submitted Position Statement as of Staff Report date.

# **DEPARTMENT OF AGRICULTURE (DoAg):**

Has not submitted Position Statement as of Staff Report date.

### **DEPARTMENT OF CHAMORRO AFFAIRS (DoCA):**

Has not submitted Position Statement as of Staff Report date.

#### **GUAM FIRE DEPARTMENT (GFD):**

Has not submitted Position Statement as of Staff Report date.

### **DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES (DPH&SS):**

Has not submitted Position Statement as of Staff Report date.

### **GUAM DEPARTMENT OF EDUCATION (GDOE):**

Has not submitted Position Statement as of Staff Report date.

Project Planner: Penmer Gulac

Attachments: ARC Position statements CC: Executive Secretary, GLUC



The Honorable
EDDIE BAZA CALVO
Governor

The Honorable RAY S. TENORIO Lieutenant Governor

RECEIVED

FED 2 2 2817

Department of Land Management

Public works
DIPATTAMENTON CHE'CHO PUPBLEKO
GLENN LEON GUERRERO
Director
FELIX C. BENAVENTE

Deputy Director

January 25, 2017

**MEMORANDUM** 

TO:

Director, Department of Land Management

FROM:

Director

APPLICATION:

2016-53 Pen

APPLICANT(s)

**DOCOMO Pacific** 

SUBJECT:

Zone Height Variance (a) Lot 10069-3-6, Municipality of Y-Sensong, Dededo

Buenas yan Hafa Adai!

The above applicants, proposes for the construction of a Monopole Tower and intent to enhance the over all island wireless coverage and improve services for Guam residents.

DPW recommends approval, subject to the comments reviewed by the Application Review Committee (ARC) with the following conditions:

- the drawings (structural, electrical and civil) incorporated in the application is totally different from the above lot number and location;
- must revised the sheet content in the drawings as per location;
- installation must be well engineered that can withstand all wind, vibration forces of 170 MPH;
   and
- for building permit application must have a complete set of drawings that meets all the requirements in conformance with the latest building code edition and must be signed by a registered engineer per discipline.

If you have any questions, please call John F. Calanayan, Acting Engineer In-Charge or Maryrose M. Wilson, Engineer III in the Divison of Capital Improvement Projects (CIP) at 646-3189/3224.

Dangkulu na Si Yu os Ma'ase!

GLEYN LEON GUERRERO

此



# **GUAM POWER AUTHORITY**

# ATURIDÅT ILEKTRESEDÅT GUAHAN P.O.BOX 2977 • AGANA, GUAM U.S.A. 96932-2977

January 18, 2017

RECEIVIE

JAN 2 - 2017

MEMORANDUM

To:

Chairman, Guam Land Use Commission

Executive Secretary, Guam Land Use Commission

From:

General Manager

Subject:

Lot 10069-3-6, Municipality of Dededo, (DOCOMO Pacific Inc.); Zone Variance

Application for a 100ft. Communication Monopole Tower. Application No. 2016-53

Guam Power Authority has reviewed the application described above and submits the following position statement:

#### A. Comments and Recommendations Concerning GPA requirements:

- Customer is required to comply with the following pursuant to the National Electric Code, National Electric Safety Code and GPA's Service Rules and Regulations:
  - Coordinate overhead/underground power requirements with GPA Engineering for new structures.
  - Maintain minimum clearances as defined by the current edition of the National Electrical Safety Code and National Electrical Code.
  - Maintain adequate clearance between any structures and electric utility easements in accordance with NESC and GPA requirements.
  - Developer/Owner shall provide necessary electric utility easements to GPA prior to final connection.
  - Provide scheduling and magnitude of project power demand requirements for new loads.
  - All relocation costs for GPA's facilities, if necessary, is 100% chargeable to the applicant including but not limited to labor and materials.
- 2. Primary distribution overhead and underground line extensions and GPA service connections must adhere to the guidelines outlined in the current issue of GPA's Service Rules and Regulations.
- A system impact assessment may be required to determine the effect of this facility on GPA's
  existing power facilities.
- 4. All costs associated with the modification of GPA facilities shall be chargeable to the customer. This includes relocation costs, new installation costs and any required system upgrades.

### B. General Comments

GPA has no objection to the request subject to the conditions cited above.

MOHNM. BENAVENTE4, P.E.

ASG/arp

fen

# INFRASTRUCTURE CERTIFICATION FORM

Agency Certifying: Guam Power Authority

Applicant: DOCOMO Pacific Inc. Location: Lot 10069-3-6, Dededo

Type of Application: Zone Variance GLUC/GSPC Application No. 2016-53 Brief Project Description: For a 100ft. Communication Monopole Tower. For the purposes of this Certification, GOVERNMENT SERVICES, FACILITIES, and INFRASTRUCTURE include, but are not limited to: power lines poles and facilities; water lines, pumps and facilities; sewer and liquid waste disposal; storm water disposal; solid waste disposal; telephone lines and facilities; schools; health facilities; police and fire fighting service and facilities; roads; traffic and street lights; parks and recreational activities. 1. I hereby certify that the required GOVERNMENT SERVICES, FACILITIES and INFRASTRUCTURE are currently AVAILABLE AND IN PLACE to support this project; No 🗍 2. If the answer to #1 above is YES, then: I hereby certify that the required GOVERNMENT SERVICES, FACILITIES and INFRASTRUCTURE are currently ADEQUATE to support this project: No X Yes  $\square$ 3. If the required GOVERNMENT SERVICES, FACILITIES and INFRASTRUCTURE currently in place are NOT AVAILABLE or they are AVAILABLE, BUT NOT ADEQUATE, itemize the services, facilities and infrastructure that are needed, the estimated cost thereof and whether funds are currently available and identified to develop such services, facilities and infrastructure: Funds Date Available Services, Facilities and Cost of Upgrades Funds Identified Infrastructure Needed Available Please see comments below I hereby certify that the foregoing is true and correct to the best of my knowledge. 1/24/17 Date Based on a preliminary inspection of the site, the electrical facilities may require upgrading to meet the demand of the proposed project. A system impact assessment maybe required to determine the effect of this facility on GPA's existing power distribution system. The applicant will be responsible for the cost of any required system upgrade.

Eddie Baza Calvo Governor of Guam





Government of Guam P.O. Box 2950 Hagåtña, Guam 96932 Tel: (671) 472-4201/3

Fax: (671) 477-1812

Manuel Q. Cruz Deputy Director

Ray Tenorio
Lieutenant Governor

FEB 0 1 2017

onnebund of the Address

MEMORANDUM

To:

Chairman, Guam Land Use Commission

Via:

Executive Secretary, Department of Land Management

From:

Deputy Director, Bureau of Statistics and Plans

Subject:

Application No. 2016-53 Pan Applicant: Docomo Pacific Inc. Guam Location: Lot 10069-3-6 Dededo, Guam

Purpose: 100ft. Telecommunications Monopole Tower

Hafa Adai! The applicant, Docomo Pacific Inc. Guam requests a zone variance for use and height on Lot 10069-3-6 in the municipality of Dededo. Docomo proposes to install a 100ft. telecommunications monopole tower on a portion of the subject property, approximately 900 square feet in size. A telecommunications antenna site agreement indicates that the property is leased to Docomo Pacific Inc. Guam by Jose Y. and Rosalia Quichocho (Landlord) for a term of twenty-five (25) years.

The proposed project is located in an "A" Rural/Agricultural Zone in the village of Dededo and can be accessed from Route 28 just off of Route 1, Marine Corps Drive. The vacant lot is surrounded primarily by single family residential homes and a small retail store. The subject property is a vacant lot with vegetated cover.

The Bureau of Statistics and Plans (Bureau) has completed its review of the application and provides the following comments and recommendations.

**Land Use.** Lot 10069-3-6 Dededo is located in an "A" Rural/Agricultural Zone. Docomo Pacific Inc. Guam states that the proposed location is intended to provide overall island coverage and improve service for residents as well as enhance emergency access and Homeland Security capabilities in emergencies.

The Bureau is concerned that the installation of the 100ft. monopole tower may restrict other uses permitted in an "A" zone inclusive of farming and activities carried on in the field

BSP Position Statement ARC 2016-53 Docomo Pacific Page 2 of 3

of agriculture, such as the production of crops, fruits, and poultry to name a few. The Bureau advises Docomo Pacific Inc. Guam to consult with the Department of Agriculture on any potential adverse conservation or agricultural effects.

**Safety Precaution.** The safety of residents in this this area is of utmost concern, should a typhoon or natural disaster occur. The Bureau is concerned about the possibility of the tower collapsing as a result of the natural disaster or the failure of one or more of the tower's components.

In their justification letter, Docomo Pacific Inc. Guam maintains that all equipment installed and maintained by the company is licensed and regulated by the Federal Communications Commission (FCC). The company further maintains a Comprehensive General Liability Insurance policy, which requires a minimum of \$1,000,000 liability policy for each site constructed. While the applicant asserts that it complies with FCC regulations, they lacked clear specifications such as tolerance to storm hazards to assure public safety and welfare and that the granting of the height variance will not be detrimental to public welfare or injurious to the property and residents in the area. Therefore, the Bureau finds that the proposed 100 ft. monopole tower presents potential danger of collapsing in the event of storm winds exceeding the strength tolerance rating within the fall radius should the structure fail. The applicant is strongly advised to implement safety measures to ensure the protection of the community in the event of tropical storms, typhoons, seismic activity and other catastrophic events.

Best Management Practices. The subject property is located in the Mataguac Spring-Frontal Pacific Ocean Watershed, which contains the Northern Guam Lens Aquifer. According to National Oceanic Atmospheric Administration's (NOAA) Coastal Change Analysis Program (C-CAP) this area has seen an increase in impervious surfaces and a decrease of forested area between the years of 2005 and 2011. The C-CAP further characterizes that 27.3% of this watershed is developed and 12.08% is impervious. As surface area increases so does the risk of flooding and degradation of water quality.

Although the project site is less than an acre, the applicant is required to implement best management practices before, during, and after construction of the telecommunications tower to control erosion, sediment, and runoff on site. Docomo is further advised to consult with Guam Environmental Protection Agency for effective implementation of these practices that may include but are not limited to the following:

- 1. Install perimeter sediment controls to retain or filter concentrated runoff from disturbed areas to trap or retain sediment before it leaves a construction site.
- 2. Minimize unnecessary clearing and grading to preserve existing natural areas.
- 3. Disturbed areas shall be stabilized as soon as feasibly possible after construction.
- 4. Where feasible, schedule construction during dry season.

BSP Position Statement ARC 2016-53 Docomo Pacific Page 3 of 3

In light of the points presented above, the Bureau finds that the tower can be materially detrimental and injurious to property should the structure fail. We further find that the construction of a tower in an agricultural area can restrict other activities allowed in an "A" zone. Therefore, the Bureau recommends objection to this project. Subsequently, if this application is approved, the applicant must comply with all established laws, comply with the recommendations above, and implement safety measures to ensure the safety of the community in the event of tropical storms, typhoons, seismic activity and other catastrophic events.

As government officials, it is our primary responsibility to ensure that the construction and operations of this proposed endeavor are in a manner designed to protect the public health, safety, and to promote the public welfare and convenience. We also encourage the applicant to protect Guam's natural resources and to ensure they are used in a sustainable manner. Si Yu'us Ma'ase'.

MANUEL Q. CRUZ

cc: Guam EPA

DOAG

DPR

**GWA** 

**GPA** 

**DPW** 

#### ATTACHMENT B

DIPÅTTAMENTON MINANEHAN TÅNO' (Department of Land Management) GUBETNAMENTON GUÅHAN (Government of Guam)



EDDIE BAZA CALVO

RAY TENORIO Lieutenant Governor



MICHAEL J.B. BORJA Director

DAVID V. CAMACHO Deputy Director

March 1, 2018

#### **MEMORANDUM**

TO:

Chairman, Guam Land Use Commission

FROM:

Guam Chief Planner

SUBJECT:

Staff Report

Application No. 2018-09, Tentative Development Plan, (Lot 5094-R1, Tumon, Municipality of Tamuning)

#### 1. PURPOSE:

- A. Application Summary: The applicant, Kals, LLC., represented by GU.MA Architects is requesting approval for an amendment of its previously-approved Tentative Development Plan to convert the existing commercial use of K-Plaza into mixed commercial uses and hotel on Lot 5094-R1, Tumon, Municipality of Tamuning, Guam.
- B. Legal Authority: Title 21, GCA (Real Property), Chapter 61 (Zoning Law) and Section 61311 "H" (Hotel-Resort) Zone and Section IV (Procedures for Development within an "H" zone) of the Interim "H" Hotel-Resort Zone Rules and Regulations.

#### 2. FACTS:

- A. Location: The subject lot is located at the corner of Pale San Vitores Road and Happy Landing Road in Tumon.
- **B.** Lot Area: 0.71 Acres or 2,871 Square Meters or 30,925 Square Feet.
- C. Present Zoning: "H" (Hotel-Resort) Zone.
- D. Field Description: The property currently contains K-Plaza, a three-storey commercial building in operation with the first floor maintaining a bar and restaurant. Second and third floor tenant spaces were initially approved for day spa services, however these floores have remained vacant for more than a year. Parking is available on both the first and second floor and the main access is via Happy Landing Road.
- E. Masterplan: "H" (Hotel-Resort)
- F. Community Design Plan: "H" (Hotel-Resort)

Street Address: 590 S. Marine Corps Drive Suite 733 ITC Building Tamuning, GU 96913

> Mailing Address: P.O. Box 2950 Hagåtña, GU 96932

Website: http://dlm.guam.gov

E-mail Address: dlmdir@dlm.guam.gov

Telephone: 671-649-LAND (5263)

Facsimile: 671-649-5383



#### G. Previous Commission Action:

1) On August 17, 1999 the Guam Land Use Commission (GLUC) approved with conditions a Tentative Development Plan of the Kals Corporation to construct a three storey resort/commercial office building. Conditions of the previous approval does not restrict the applicant from requesting a conversion of use.

#### 3. APPLICATION CHRONOLOGICAL FACTS:

A. Date Application Accepted: December 21, 2017

B. Date Heard By ARC: January 18, 2018

C. Public Hearing Results: Not required.

#### 4. <u>DISCUSSION and STAFF ANALYSIS:</u>

The conversion of the existing commercial use to a mixed commercial/residential type hotel use is not expected to be out of character with the current uses in the adjacent or surrounding neighborhood. There are no additions being made to the structure; rather, the changes will only require interior improvements/repairs with the existing commercial spaces on the first floor to remain. The proposed conversion is adequate for this 3-storey building as well as providing required standard and ADA parking to accommodate both existing and proposed commercial activities.

Parking Designation	Provided	Required	
ADA	3	3	
Commercial	48	46	
Hotel	6	6	
Reception/Office	1	1	
Employees	6	6	
Total	64	62	

The project includes comprehensive streetscape and landscape elements intended to promote a positive impact to the corner of Pale San Vitores and Happy Landing Road.

The overall Tentative Development Plan has met the requirements under Title 21GCA, Chapter 61, Section 61311, the permitted uses for H Zone are for cultural and recreational facilities, hotels, restaurants, tourism related shops and offices, dwellings, parks, marinas, zoos, amusement activities and supportive services.

Based on our review and analysis of the form and context of this application in reference to the Zoning Law, the Interim Hotel-Resort Rules and Regulations and the response of the ARC; we find that the proposed development is designed to promote a superior level of convenience, comfort and amenity for tourists and locals and it is compatible with the existing land uses of the area and therefore, we find it proper that it be considered favorably by the Guam Land Use Commission.

# 5. **RECOMMENDATION:** Recommend **APPROVAL WITH CONDITIONS** as follows:

- 1. The Applicant shall adhere to all the ARC conditions and requirements as stipulated in their Official Position Statement; and
- 2. That any future additional development or changes to the approved site plan shall require the Applicant to submit an amended TDP application for review and approval by the Guam Land Use Commission; and
- 3. That Applicant shall provide a Landscaping Plan pursuant to Section 5G of the Interim "H" Resort-Hotel Rules and Regulations for review and approval by the Chief Planner; and
- 4. That pursuant to the Interim "H" Resort-Hotel Rules and Regulations, Paragraph F, the improvements as specified in the TDP shall be completed within one (1) year from date of Commission approval; and
- 5. That the Applicant shall also ensure compliance to the 1-year time restriction that states a "grading or building permit must be obtained from date of recordation of the Notice of Action; otherwise the approval as granted by the Commission be "NULL and VOID" per Executive Order 96-26, Section 5".

Markin Q. Aguilar Chief Planner

CASE PLANNERS:

Grace Vergara/Celine Cruz

Street Address: 590 S. Marine Corps Drive Suite 733 ITC Building Tamuning, GU 96913

> Mailing Address: P.O. Box 2950 Hagåtña, GU 96932

Website: http://dlm.guam.gov

E-mail Address: dlmdir@land.guam.gov

Telephone: 671-649-LAND (5263)

Facsimile: 671-649-5383



# **DIPÅTTAMENTON MINANEHAN TÅNO'** (Department of Land Management)

GUBETNAMENTON GUÅHAN (Government of Guam)



MICHAEL J.B. BORJA Director

DAVID V. CAMACHO Deputy Director

EDDIE BAZA CALVO Governor

RAY TENORIO Lieutenant Governor

March 1, 2018

**MEMORANDUM** 

TO:

Guam Land Use Commission (GLUC) Members

FROM:

Chairman, Application Review Committee (ARC)

SUBJECT:

Summary of Positions Submitted by ARC

RE:

Application No. 2018-09 (Tentative Development Plan)

Listed below is the compilation of Positions taken by the various ARC member agencies as submitted to Planning Division, Department of Land Management. The conditions as imposed by the ARC member agencies are listed when applicable.

#### **DEPARTMENT OF LAND MANAGEMENT (DLM):**

Planning staff recommends Approval with the following condition:

- A. The Applicant shall adhere to all the ARC conditions and requirements as stipulated in their Official Position Statement; and
- B. That any future additional development or changes to the approved site plan shall require the Applicant to submit an amended TDP application for review and approval by the Guam Land Use Commission; and
- C. That Applicant shall provide a Landscaping Plan pursuant to Section 5G of the Interim "H" Resort-Hotel Rules and Regulations for review and approval by the Chief Planner; and
- D. That pursuant to the Interim "H" Resort-Hotel Rules and Regulations, Paragraph F, the improvements as specified in the TDP shall be completed within one (1) year from date of Commission approval; and
- E. That the Applicant shall also ensure compliance to the 1-year time restriction that states a "grading or building permit must be obtained from date of recordation of the Notice of Action; otherwise the approval as granted by the Commission be "NULL and VOID" per Executive Order 96-26, Section 5".

#### **DEPARTMENT OF PARKS AND RECREATION (DPR):**

DPR submits the following statement; "We reviewed the subject application by Guma Architects, LLC for a Tentative Development Plan on the subject Lot and have no objection to the approval of the application.

Continuation of Memorandum Ref: ARC Summary of Position Statements - Application No. 2018-09 March 1, 2018 Page 2 of 3

During the permitting application, we will be issuing a Certificate of Approval due to the fact that this Lot contains human burials that were left in place and undisturbed during the initial development of this Lot. However, the work should involve any ground disturbance."

#### **GUAM POWER AUTHORITY (GPA):**

GPA has reviewed the application and submits the following position statement:

- A. Comments and Recommendations Concerning GPA requirements:
  - Customer is required to comply with the following pursuant to the National Electric Code, National Electric Safety Code and GPA's Service Rules and Regulations;
    - Coordinate overhead/underground power requirements with GPA Engineering for new structures;
    - b. Maintain minimum clearances as defined by the current edition of the National Electrical Safety Code and National Electric Code;
    - c. Maintain adequate clearance between any structures and electric utility easements in accordance with NESC and GPA requirements;
    - d. Developer/Owner shall provide necessary electric utility easements to GPA prior to final connection:
    - e. Provide scheduling and magnitude of project power demand requirements for new loads;
    - f. All relocation costs for GPA's facilities, if necessary, is 100% chargeable to the applicant including but not limited to labor and materials;
  - Primary distribution overhead and underground line extensions and GPA service connections must adhere to the guidelines outlined in the current issue of GPA's Service Rules and Regulations;
  - 3. A system impact assessment may be required to determine the effect of this facility on GPA's existing power facilities;
  - All costs associated with the modification of GPA facilities shall be chargeable to the customer. This includes relocation costs, new installation costs and any required system upgrades.
- B. General Comments:

GPA has no objection to the request subject to the conditions cited above.

#### **DEPARTMENT OF PUBLIC WORKS (DPW):**

The Department of Public Works (DPW) recommends approval, subject to the comments reviewed by the Application Review Committee (ARC) with the provisions that the following conditions are met:

A. General.

Buildings or structures to which addition, alterations or repairs are made shall comply with all the requirements for new buildings or structures except as specifically provided in this section.

Continuation of Memorandum Ref: ARC Summary of Position Statements - Application No. 2018-09 March 1, 2018 Page 3 of 3

B. Addition, Alterations and Repairs: More than fifty percent (50%).
When addition, alterations or repairs within any 12 month period and exceed 50% of the value of an existing building or structure, such building or structure shall be made to conform to the latest building code requirements.

NOTE: The existing elevator must be inspected by a certified installer and approved by DPW building official.

Due to the upgrading of the existing structure, DPW recommends approval, subject to comments reviewed by the Application Review Committee (ARC) with conditions that prior to building permit application to submit a complete set of design drawings with all the engineering disciplines needed and must conform to the latest building code edition including ADA requirements.

#### **BUREAU OF STATISTICS AND PLANS (BSP):**

Has not submitted Position Statement as of Staff Report date

### **GUAM ENVIRONMENTAL PROTECTION AGENCY (GEPA):**

Has not submitted Position Statement as of Staff Report date

#### **GUAM WATERWORKS AUTHORITY (GWA):**

Has not submitted Position Statement as of Staff Report date

#### **DEPARTMENT OF AGRICULTURE (DoAg):**

Has not submitted Position Statement as of Staff Report date

#### **DEPARTMENT OF CHAMORRO AFFAIRS (DoCA):**

Has not submitted Position Statement as of Staff Report date.

#### **GUAM FIRE DEPARTMENT (GFD):**

Has not submitted Position Statement as of Staff Report date.

#### **DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES (DPH&SS):**

Has not submitted Position Statement as of Staff Report date.

#### **JOINT REGION MARIANAS (JRM):**

Has not submitted Position Statement as of Staff Report date.

#### **GUAM DEPARTMENT OF EDUCATION (GDOE):**

Has not submitted Position Statement as of Staff Report date.

Attachments:

ARC Position statements Executive Secretary, GLUC

Cc:

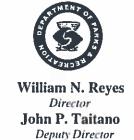


Eddie B. Calvo Governor Ray Tenorio Lt. Governor

# Department of Parks and Recreation **Government of Guam**

490 Chalan Palasyo, Agana Heights, Guam 96910 Director's Office: (671) 475-6288 Parks Division: (671) 475-6291 Guam Historic Resources Division: (671) 475-6294/5

Facsimile: (671) 477-2822



In reply refer to: RC 2018-00189 CR: 2002-008 DR

February 8, 2018

Memorandum

To:

Executive Secretary, Guam Land Use Commission

From:

Director, Department of Parks and Recreation

Subject:

Application No. 2018-09: Applicant is proposing for a mix use hotel conversion

of K-Plaza on Lot M19 L5094-, Tumon, Guam

We reviewed the subject application by Guma Architects, LLC for a Tentative Development Plan on the subject Lot and have no objection to the approval of the application.

During the permitting application, we will be issuing a Certificate of Approval due to the fact that this Lot contains human burials that were left in place and undisturbed during the initial development of this Lot. However, the work should not involve any ground disturbance.

Should you have any questions, please do not hesitate to call us.

Sincerely,

am N. Reves 8FEBIR



The Honorable
EDDIE BAZA CALVO
Governor

The Honorable RAY S. TENORIO

January 19, 2018
MEMORANDUM

TO:

Director, Department of Land Management

FROM:

Director, Department of Public Works

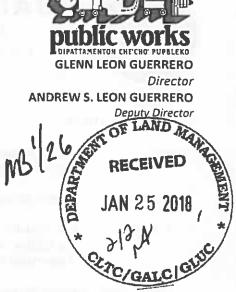
SUBJECT:

Applicant:

KALS, LLC

Application No.: 2018-09

Tentative Development Plan Lot M19L5094-R-1, Tumon



Buenas yan Hafa Adai! The applicant is requesting the existing K-Plaza in an "H" Zone as its current occupancy as commercial and propose to convert into mixed use (commercial/hotel) and the 2nd and 3rd floor into 22 units residential hotel type which will cater the local and tourists. The structure will consist of a lobby/ reception area, small office, storage, laundry area and accessible restroom.

The Department of Public Works (DPW) recommends approval, subject to the comments reviewed by the  $\sqrt{}$  Application Review Committee (ARC) with the provisions that the following conditions are met:

# **Under 21 GCA- Real Property Division 2- Regulations s of Real Property SOURCE: GC S31002**

S66104. Application to Existing Buildings

(a) General.

Buildings or structures to which addition, alterations or repairs are made shall comply with all the requirements for new buildings or structures except as specifically provided in this section.

(b) Addition, Alterations and Repairs: More than fifty percent (50%).

When addition, alterations or repairs within any 12 month period and exceed 50% of the value of an existing building or structure, such building or structure shall be made to conform to the latest building code requirements.

**NOTE:** The existing elevator must be inspected by a certified installer and approved by DPW building official.

Due to the upgrading of the existing structure, DPW recommends approval, subject to comments reviewed by the Application Review Committee (ARC) with conditions that prior to building permit application to submit a complete set of design drawings with all the engineering disciplines needed and must conform to the latest building code edition including ADA requirements.

Should you have any questions, please call Mr. Max Manzano, P.E., @ (671) 988-6273, Chief Engineer for the Division of Capital Improvement Projects (CIP- Vertical) or Maryrose M. Wilson, Engineer III @ (671) 646-3224. Dangkulu na Si Yu'os Ma'ase!

GLENN LEON GUERRERO

Came)



# **GUAM POWER AUTHORITY**

ATURIDÅT ILEKTRESEDÅT GUAHAN P.O.BOX 2977 • AGANA. GUAM U.S.A. 96932-2977

January 9, 2018

#### MEMORANDUM

To:

Chairman, Guam Land Use Commission

Executive Secretary, Guam Land Use Commission

From:

General Manager

Subject:

Lot 5094-R1, Municipality of Tamuning, (KALS LLC); Tentative Development Plan

Application to change existing K-Plaza Building into Commercial and Hotel.

Application No. 2018-09

Guam Power Authority has reviewed the application described above and submits the following position statement:

#### A. Comments and Recommendations Concerning GPA requirements:

- 1. Customer is required to comply with the following pursuant to the National Electric Code, National Electric Safety Code and GPA's Service Rules and Regulations:
  - Coordinate overhead/underground power requirements with GPA Engineering for new structures.
  - Maintain minimum clearances as defined by the current edition of the National Electrical Safety Code and National Electrical Code.
  - Maintain adequate clearance between any structures and electric utility easements in accordance with NESC and GPA requirements.
  - Developer/Owner shall provide necessary electric utility easements to GPA prior to final connection.
  - Provide scheduling and magnitude of project power demand requirements for new loads.
  - All relocation costs for GPA's facilities, if necessary, is 100% chargeable to the applicant including but not limited to labor and materials.
- 2. Primary distribution overhead and underground line extensions and GPA service connections must adhere to the guidelines outlined in the current issue of GPA's Service Rules and Regulations.
- 3. A system impact assessment may be required to determine the effect of this facility on GPA's existing power facilities.
- 4. All costs associated with the modification of GPA facilities shall be chargeable to the customer. This includes relocation costs, new installation costs and any required system upgrades.

B. General Comments

GPA has no objection to the request subject to the conditions cited above. "

SJOHN MI BENAVENTE, P.E. MI - 2016

ASG/arp

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#### INFRASTRUCTURE CERTIFICATION FORM

Agency Certifying: Guam Power Authority

Type of Application: Tentative Development Plan

Applicant: KALS LLC

Location: Lot 5094-R1, Tamuning

GLUC/GSPC Application No. 2018-09 Brief Project Description: To change existing K-Plaza Building into Commercial and Hotel.							
For the purposes of this Certification, GOVERNMENT SERVICES, FACILITIES, and INFRASTRUCTURE include, but are not limited to: power lines poles and facilities; water lines, pumps and facilities; sewer and liquid waste disposal; storm water disposal; solid waste disposal; telephone lines and facilities; schools; health facilities; police and fire fighting service and facilities; roads; traffic and street lights; parks and recreational activities.							
<ol> <li>I hereby certify that the required GOVERNMENT SERVICES, FACILITIES and INFRASTRUCTURE are currently AVAILABLE AND IN PLACE to support this project: Yes No</li> </ol>							
<ol> <li>If the answer to #1 above is YES, then:         I hereby certify that the required GOVERNMENT SERVICES, FACILITIES and INFRASTRUCTURE are currently ADEQUATE to support this project:     </li> </ol>							
Yes ☐ No ☒							
3. If the required GOVERNMENT SERVICES, FACILITIES and INFRASTRUCTURE currently in place are NOT AVAILABLE or they are AVAILABLE, BUT NOT ADEQUATE, itemize the services, facilities and infrastructure that are needed, the estimated cost thereof and whether funds are currently available and identified to develop such services, facilities and infrastructure:							
Services, Facilities and Infrastructure Needed	Cost of Upgrades	Funds Available	Date Available	Funds Identified			
Please see comments below		Available		racinifica			
I hereby certify that the foregoing is  JOHNAL BENAVENTE, P.E.  General Manager	true and correct to the	•	owledge.				
Comments:  Based on a preliminary inspection of the site, the electrical facilities may require upgrading to meet the							
based on a premiumary mapeerion of the site, the electrical facilities may require upgrading to meet the							

demand of the proposed project. A system impact assessment maybe required to determine the effect of this facility on GPA's existing power distribution system. The applicant will be responsible for the cost of

any required system upgrade.

# **HYBRID COMMISSION**

MCoG DLM 2018-04

**STAFF REPORT** 

#### ATTACHMENT A-HYBRID



DIPĂTTAMENTON MINANEHAN TĂNO' (Department of Land Management) GUBETNAMENTON GUĀHAN (Government of Guam)



MICHAEL J.B. BORJA Director

DAVID V. CAMACHO **Deputy Director** 

EDDIE BAZA CALVO Governor

RAY TENORIO Lieutenant Governor

February 28, 2018

MEMORANDUM

TO:

Chairman, Guam Land Use Commission

FROM:

Guam Chief Planner

SUBJECT:

Staff Report - Application No. 2017-29A, Tentative Development Plan, Lot 5093-R1-1-R1 and Lot 5093-R1-1-1, Tumon, Municipality of Tamuning

#### 1. **PURPOSE:**

- Application Summary: The applicant, Blue Ocean Investment LLC, Α. represented by Taniguchi Ruth Makio Architects (TRMA), is approval of its tentative development plan for a proposed boutique hotel on Lot 5093-R1-1-R1 and Lot 5093-R1-1-1, Tumon, Municipality of Tamuning, Guam.
- В. Legal Authority: Title 21, GCA (Real Property), Chapter 61 (Zoning Law) and Section 61311 "H" (Hotel-Resort) Zone and Section IV (Procedures for Development within an "H" zone) of the Interim "H" Hotel-Resort Zone Rules and Regulations.

#### 2. **FACTS:**

F.

- A. Location: The subject lot is located in along Pale San Vitores Road, and near to the Fujita Road intersection. It is approximately a guarter of a mile inland from Tumon Bay.
- B. Lot Area: 1.95± Acres or 7,878± Square Meters or 84,793± Square feet
- C. **Present Zoning:** "H" (Hotel-Resort) Zone.
- D. **Field Description:** The lot is presently vacant with overgrown vegetation. The remnant building floor slab of the former Tumon Gun Club.
- E. Masterplan: "H" (Hotel-Resort)
  - Community Design Plan: "H" (Hotel-Resort)

590 S. Marine Corps Drive Suite 733 ITC Building Tamuning, GU 96913

Street Address:

Mailing Address: P.O. Box 2950 Hagátňa, GU 96932

Website: http://dlm.guam.gov

E-mail Address: dlmdir@land.guam.gov

Telephone: 671-649-LAND (5263)

> Facsimile: 671-649-5383



G. Previous Commission Action: None.

#### 3. **APPLICATION CHRONOLOGICAL FACTS:**

A. Date Application Accepted: June 26, 2017

В. Date Heard By ARC: July 20, 2017

C. Public Hearing Results: Not required.

#### 4. **DISCUSSION and STAFF ANALYSIS:**

Presented along with this application for Tentative Development Plan is a concurrent application for a Zone Variance for Height and Density. The application in its form and context has provided for provisions as to the procedures for development within an "H" zone. A site development plan features the hotel structure, up to 292'-0" and a proposed generator structure. Floors 1 to 4 are intended for commercial activities accessory to the hotel use. Level 5 will be the hotel lobby, and levels 6-28 consist of the hotel rooms. Levels 1-5 include parking to accommodate the hotel and accessory uses proposed with this development. The total number of parking stalls provided is 314; 27 stalls above the required 287 stalls.

The height of 292'-0" is to accommodate the requested variance for density. The height is compatible to the existing range of hotel structure in Tumon. To address the request for additional density and height, consideration for setbacks, corridors for natural light, and ventilation are accomplished through the elements of the orientation of the structure and use of required open space on the lot. The building footprint and orientation was planned to enhance the area and minimize impacts to views. The structure is sited further back from the adjacent Tumon Sands Plaza on the left and the K-Plaza on the right, both structures are only slightly set back from San Vitores Road and the sidewalk. An open, landscaped plaza in the 33'-0" front yard setback is incorporated into the plans to enhance and encourage pedestrian traffic into and around the proposed hotel.

In line with the Zoning Law and the Interim "H" Resort-Hotel Zone Rules and Regulations, the Commission may approve a tentative development plan upon determination that such use is normally to be found in a tourism related development area, and that the use is reasonably compatible with existing or reasonably foreseeable development in the surrounding area. Uses normally to be found in a tourism related development area as described in the permitted land uses of the Interim "H" Zone Rules and Regulations include cultural and recreational facilities, hotels, restaurants, tourism related shops and offices, dwellings, parks, marinas, zoos, amusement activities and supportive services. Permitted accessory uses and structures include uses and structures which are customarily accessory and clearly complimentary to permitted principal uses and structures reasonably compatible with existing or reasonably foreseeable development in the surrounding area.

In the analysis of this application as it pertains to the request, we find that as presented by the applicant, the proposed development is in line with the Interim "H" Hotel-Resort Zone Rules and Regulations, whereby the development is compatible with the surrounding existing uses and the reasonably foreseeable development in the surrounding area, and therefore, proper that it be considered favorably by the Guam Land Use Commission.

# 5. <u>RECOMMENDATION:</u> Recommend <u>APPROVAL WITH CONDITIONS</u> as follows:

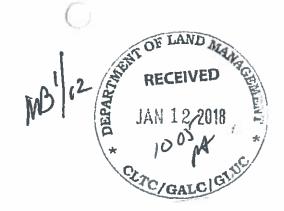
- a. The Applicant shall adhere to all the ARC conditions and requirements as stipulated in their Official Position Statement; and
- b. That any future additional development or changes to the approved site plan shall require the Applicant to submit an amended TDP application for review and approval by the Guam Land Use Commission; and
- c. That pursuant to the Interim "H" Resort-Hotel Rules and Regulations, Paragraph F, the improvements as specified in the TDP shall be completed within 1 year from date of Commission approval; and
- d. The applicant shall comply with the Interim "H" Resort-Hotel Rules and Regulations Yard Area and Height Regulations.
- e. That the Applicant shall also ensure compliance to the 1-year time restriction that states a "grading or building permit must be obtained from date of recordation of the Notice of Action; otherwise the approval as granted by the Commission be "NULL and VOID" per Executive Order 96-26, Section 5".
- f. Applicant shall provide a Landscaping Plan pursuant to Section 5, G of the Interim "H" Resort-Hotel Rules and Regulations for review and approval by the Chief Planner.

larvin Q. Aguilar

CASE PLANNER: Celine Cruz

January 11, 2018

Chairman, GLUC or Executive Secretary, GLUC c/o Department of Land Management Land Planning Division P.O. Box 2950 Hagatna, Guam



Dear Sir,

RE: THE APPLICANT BLUE OCEAN INVESTMENT represented by TRMA

I am sorry for not able to attend the meeting on January 19, 2018 at Tamuning Senior Center and am happy to submit a written comments.

I personally agree the proposal of the building, as long as the road is wide enough for two big buses and pedestrian is needed.

Thank you for your kind attention.

Edmund Wong Wing Kwong

L5059-2-2 Unit #105

P.O. Box 10671

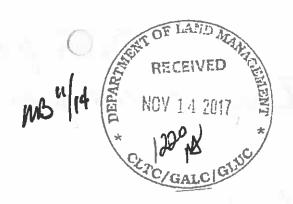
Tamuning, Guam 96931

Edmarof

oun "10 18

November 13, 2017

Chairman, GLUC or Executive Secretary, GLUC c/o Department of Land Management Land Planning Division P.O. Box 2950 Hagatna, Guam



Dear Sir,

RE: THE APPLICANT BLUE OCEAN INVESTMENT

LLC REPRESENTED BY TRMA requested for a Zone Variance for Height & Density
for proposed construction of a 21 story boutique hotel on Lot 5093R1-1-R1 Tumon
in the manicipality of Tamuning in a H "hotelResort zone
Application No. 2017-29A

I am sorry for not able to attend the meeting on November 21, 2017 at Tamuning Senior Center and am happy to submit a written comments.

I personally do not agree the proposal of the building since we already have the Grand Hotel at Happy Landing Road and the road is rather narrow and congested with tourists crossing the road. And also there are already many condominiums around here.

Thank you for your kind attention.

Edmund Wong Wing Kwong

L5059-2-2 Unit #105

P.O. Box 10671

Tamuning, Guam 96931

11/14/2017 PRANNING BY

NOV.2120.

Re: opposition to build Dear ST/Madam. I am writing in opposition 21 Story bourique Hotel ou Lots 5093-R1-1R1 and 5093-R1-1-1 (Tumon) Because. O Block the view from my coude. @ cause a lot of thatter. 1) this is residential area If the Hotel near by it makes may cause other accident

Han young & Jae L5111-1-R4, U601 P.O BOX 12137 96931. Tamunity, Guary Jae Han South

E 11/31/11 disem ha

Street Address: 590 S. Marine Corps Drive Suite 733 ITC Building Tamuning, GU 96913

> Mailing Address: P.O. Box 2950 Hagátňa, GU 96932

Website: http://dim.guam.gov

E-mail Address: dlmdir@land.quam.gov

Telephone: 671-649-LAND (5263)

Facsimile: 671-649-5383



### DIPÅTTAMENTON MINANEHAN TÅNO' (Department of Land Management) GUBETNAMENTON GUÅHAN (Government of Guam)



MICHAEL J.B. BORJA Director

DAVID V. CAMACHO Deputy Director

EDDIE BAZA CALVO Governor

RAY TENORIO Lieutenant Governor

February 28, 2018

#### **MEMORANDUM**

TO:

Chairman, Guam Land Use Commission

FROM:

Guam Chief Planner

SUBJECT:

Staff Report - Application No. 2017-29B, Zone Variance for Height and Density on Lot 5093-R1-1-R1 and Lot 5093-R1-1-1, Tumon, Municipality of

**Tamuning** 

### 1. PURPOSE:

- A. Application Summary: The applicant, Blue Ocean Investment LLC, represented by Taniguchi Ruth Makio Architects (TRMA), is approval of its Zone Variance for Height and Density for a proposed 264 feet, 298 room boutique hotel on Lot 5093-R1-1-R1 and Lot 5093-R1-1-1, Tumon, Municipality of Tamuning, Guam.
- B. Legal Authority: Title 21, GCA (Real Property), Chapter 61 (Zoning Law) Sections 61616 to 61624 (Variances) and Section 61311 ("H" (Hotel/Resort) Zone) and Section IV (Procedures for Development within an "H" Zone) of the Interim "H" (Hotel-Resort) Zone Rules and Regulations.

# 2. FACTS:

- A. Location: The subject lot is located along Pale San Vitores Road, adjacent to the southern boundary of Tumon Sands Plaza. It is approximately a quarter of a mile inland from the shoreline of Tumon Bay.
- B. Lot Area: 1.95± Acres or 7,878± Square Meters or 84,793± Square feet
- C. Present Zoning: "H" (Hotel-Resort) Zone.
- **D. Field Description:** The lot is presently vacant with overgrown vegetation and the remnant building floor slab of the former Tumon Gun Club on site.

E. Masterplan: "H" (Hotel-Resort)

F. Community Design Plan: "H" (Hotel-Resort)

G. Previous Commission Action: None.

### 3. APPLICATION CHRONOLOGICAL FACTS:

A. Date Application Accepted: June 26, 2017

B. Date Heard By ARC: July 20, 2017

C. Public Hearing Results: A public hearing was held on January 19, 2018 at the Tamuning Senior Center. We have received 3 letters in opposition of the proposed development; also attached are the public hearing results to include one individual who wanted to note for the record that he was in favor of the proposed development.

#### 4. DISCUSSION and STAFF ANALYSIS:

This request is for height and density variance approval for a new 21-storey or 264 feet high hotel for a variance of 202 feet above the allowable height of 62 feet pursuant to the calculated permitted height of the subject property. As noted in the application, the proposed hotel, compared to existing hotel towers within the near vicinity, ranging from the 21-storey "Outrigger" to the 32-storey "PIC Tower" will not be inconsistent with "H" zone rules and regulations. In addition, the applicant is requesting a variance for density to construct 298 hotel rooms.

Pursuant to Section 61617 (Variance Requirements) of Chapter 61 (Zoning Law), 21 GCA, variances may be granted by the Commission, provided the applicant can justify practical difficulties or unnecessary hardship inconsistent with the general purpose and intent of the law, that there are exceptional circumstances or conditions applicable to the property or to the intended use that do not apply generally to other properties in the same zone, that the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the neighborhood, that the granting of the variance will not be contrary to the objectives of any part of the Guam Master Plan and that the proposed building will substantially enhance the recreational, aesthetic or commercial value of the beach area upon which the building is to be constructed, and that such building will not interfere with or adversely affect the surrounding property owner's or the public right to untrammeled use of the beach and it's natural beauty. In response the applicant provides the following:

# A. That the strict application of the provisions of Section 61617, 21 GCA would result in practical difficulties or unnecessary hardship inconsistent with the general purpose and intent of the law.

The applicant provides;

Located in the heart of Tumon, the property which is currently vacant and overgrown, has the potential to be conducive to the continued growth and development of the area. The proposed height variance, although higher than allowable by code, will still fit into the existing context of the site based on the proximity to other resort hotel towers.

The limited area of the property restricts the possibility of a large resort hotel. However, a building with a smaller footprint and higher density will lend itself to the development of a boutique / business hotel.

# B. That there are exceptional circumstances or conditions applicable to the property involved or to the intended use thereof that do not apply generally to other property in the same zone.

The applicant provides:

The location of this property is ideal for a new hotel, primarily by its location within the tourist core of Tumon, but also an infill site located between Tumon Sands Shopping Plaza and Grand Plaza Hotel as a continuation of the streetscape. However, compared to nearby hotel properties, the size and density required for a 298-room hotel is a challenge because of the comparatively small area and narrow orientation of the site.

In order to achieve the desired number of rooms with the area constraints of the site, several options were considered including a shorter and wider footprint, "L-Shaped" and V-Shaped" wing configuration, and multiple-tower configuration. This resulted in the single tower to minimize the footprint of the tower, a tall and slim tower reduces the profile, finally, the single slim tower increases efficiency and reduces the construction costs.

Massing studies of the single tower configuration within the site constraints were conducted in order to determine the most efficient layout allowing for ocean views for each room, while still minimizing the profile to limit view obstruction to neighboring properties to Tumon Bay.

# C. That the granting of Variances will not be materially detrimental to the public welfare or injurious to the property improvements in the neighborhood in which the property is located.

The applicant provides:

The proposed project will provide 298 guest rooms to support the Guam Visitor's bureau TOURISM 2020 plan and Guam Hotel and Restaurant Association's drive to accommodate Guam's growing tourism market and provide relief to existing guest room inventory as they are taken off-line for renovations and improvements.

The development of this project on the existing blighted lot will be beneficial to public welfare as the development will generate activity and increase visibility, which will improve pedestrian safety and security.

The smaller footprint and narrow profile will permit greater view opportunities for surrounding properties. In contrast, strict adherence to the zoning code of a maximum height of 63' would result in a building footprint spread from setback to setback minimizing open spaces and increasing construction costs.

D. The granting of such Variances will not be contrary to the objectives of any part of the Guam Master Plan:

The applicant provides:

The granting of this variance will be in line with the Master Plan as it promotes hotel development within the hotel core of Tumon. The addition of 298 hotel rooms with a boutique motif will target alternative clientele which will benefit the local economy.

The H zone was created to allow for greater density and taller structures within Tumon, without overburdening other villages infrastructure, or traffic on thoroughfares.

E. That, as to Variance(s) from the restrictions of Section 61617, 21 GCA, the proposed building will substantially enhance the recreational, aesthetic or commercial value of the beach are upon which the building is to be constructed and that such building shall not interfere with adversely affect the surrounding property owners or the public right to an untrammeled use of the beach and its natural beauty.

The applicant provides:

Although the property is located across the street from the shoreline, organizing the building vertically will permit all hotel rooms in the building to view the shoreline and ocean. The vertical orientation will also allow development of neighboring properties to maintain ocean views.

The project and property siting are ideal as they provide guests with a pedestrian and vehicular thoroughfare with easy access to the Tumon Bay while allowing enough distance to leave the shoreline and marine preserve free of new construction, helping to keep the shoreline uncluttered.

Infilling the vacant lot reinforces the streetscape of San Vitores and provides critical development restoring the area from its currently blighted condition thus creating a safer environment and enhancing the pedestrian experience. The building is intentionally oriented lengthwise and perpendicular to Tumon Bay, San Vitores and Marine Drive in order to preserve views from surrounding areas.

In our assessment of the response provided by the applicant in reference to the criterion cited in Section 61617 (Variance Requirements) of Chapter 61 (Zoning Law), 21 GCA, we find that the applicant has provided adequate justification with respect to deviating from allowable height and density restrictions within an "H" (Hotel-Resort) zone.

Application Review Committee members who have officially responded have no objections with conditions. In addition, our analysis of this application as it pertains to the request, we find, that the proposed development is in line with the Interim "H" Hotel-Resort Zone Rules and Regulations whereby the development is compatible with the surrounding existing uses. This position is supported by the Bureau of Statistics and Plans' conclusion that the application had satisfactorily met the variance test. Based on this finding, we therefore conclude this request is in proper form and context to be considered favorably by the Guam Land Use Commission.

# 5. **RECOMMENDATION:** Recommend **APPROVAL WITH CONDITIONS** as follows:

- 1. The Applicant shall adhere to all the ARC conditions and requirements as stipulated in their Official Position Statement;
- 2. That any future additional development or changes to the approved site plan shall require the Applicant to submit an amended TDP application for review and approval by the Guam Land Use Commission;
- 3. That pursuant to the Interim "H" Resort-Hotel Rules and Regulations, Paragraph F, the improvements as specified in the TDP shall be completed within 1 year from date of Commission approval;
- 4. The applicant shall comply with the Interim "H" Resort-Hotel Rules and Regulations Yard Area and Height Regulations;
- 5. That the Applicant shall also ensure compliance to the 1-year time restriction that states a "grading or building permit must be obtained from date of recordation of the Notice of Action; otherwise the approval as granted by the Commission be "NULL and VOID" per Executive Order 96-26, Section 5"; and
- 6. That the applicant provides a Landscaping Plan pursuant to Section 5, G of the Interim "H" Resort-Hotel Rules and Regulations for review and approval by the Chief Planner.

Marvin Q. Aguilar Chief Planner

Attachments: 3 Letters of Opposition

CASE PLANNER: Celine Cruz

Street Address: 590 S. Marine Corps Drive Suite 733 ITC Building Tamuning, GU 96913

> Mailing Address: P.O. Box 2950 Hagatña, GU 96932

Website: http://dlm.guam.gov

E-mail Address: dlmdir@land.quam.gov

Telephone: 671-649-LAND (5263)

Facsimile: 671-649-5383



### DIPATTAMENTON MINANEHAN TANO' (Department of Land Management) GUBETNAMENTON GUAHAN (Government of Guam)



MICHAEL J.B. BORJA Director

DAVID V. CAMACHO Deputy Director

EDDIE BAZA CALVO Governor

RAY TENORIO Lieutenant Governor

February 28, 2018

**MEMORANDUM** 

TO:

Guam Land Use Commission (GLUC) Members

FROM:

Chairman, Application Review Committee (ARC)

SUBJECT:

Summary of Position Statements by ARC Members

RE:

Zone Variance Application – 2017-29 A/B

Listed below is the compilation of Positions taken by the various ARC member agencies as submitted to Planning Division, Department of Land Management. The conditions as imposed by the ARC member agencies are listed when applicable.

# **DEPARTMENT OF LAND MANAGEMENT (DLM):**

Planning staff recommends APPROVAL WITH CONDITIONS as follows:

A. The Applicant shall adhere to all the ARC conditions and requirements as stipulated in their Official Position Statement.

# **GUAM WATER WORKS AUTHORITY (GWA):**

Given the information provided in the application, GWA does not have any objection to the height variance request.

Given the information provided in the application and field observations, the following comments are conditions for GWA's position in favor of the approval of the density variance request.

 The applicant must provide GWA with site development plans to construct the proposed development. The site development plans must illustrate the proposed point of connection to the public water and sewer systems and is subject to GWA inspection and approval. Submittals shall include water and sewer design calculations and complete drawings and specifications. Continuation of Memorandum

Re: Summary of Position Statement - Application No. 2017-29 A/B

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Design calculations shall include proposed water demand calculations (inclusive of guest, laundry, restaurant, and pool makeup water demand), fire flow, and sewer load calculations.

2. GWA requires the applicant to coordinate with the GWA Engineering Department at least six months prior to building permit application submittal. Discussions shall include the proposed water demand and sewer production calculations in order to determine if existing facilities can accommodate the proposed development and if any off-site infrastructure improvements may be necessary.

Given current growth in Tumon, it is likely that future development will be required to increase the public water and/or sanitary sewer systems' capacities through offsite utility improvements.

3. If off site water and sewer infrastructure improvements are installed by the developer, they will require prior approval from GWA, must meet GWA standards, be constructed in the public easement or right of way, and shall be subject to inspection by GWA. Any infrastructure improvements will be at the expense of the applicant. GWA's approval of the occupancy will be contingent upon the completion of offsite improvements.

The developer shall register maps and documents for new public rights of ways or utility easements with the Department of Land Management and provide copies to GWA.

- 4. The applicant shall install GWA water meters in the public right of way or easement.
- 5. Backflow prevention devices are required for non-residential activities and for water tanks.
- 6. Privately-owned water tanks might be limited to a maximum fill rate to avoid adverse impacts to the public water system.
- Sewer load discharges to the public sewer system might be limited to certain times of day at certain rates to avoid adverse impacts to the receiving public sanitary sewer system.
- 8. New development is subject to water and sewer system development charges.
- Certain activities are subject to sewer pre-treatment requirements. Grease traps or interceptors are required for food service establishments. Oil-water separators are required for vehicle maintenance activities.
- 10. Only waste water shall be discharged to the public sanitary sewer system. Storm water, pool water, and pool backwash water discharge to the sanitary sewer system is prohibited.

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11. After a GWA utility service account is opened, the account holder is responsible for informing GWA of onsite activity changes that may affect the account's classification and utility service requirements. Activity changes include, but are not limited to, laundry, food service, and vehicle maintenance activities.

# **GUAM POWER AUTHORITY (GPA):**

Guam Power Authority has reviewed the application and submits the following position statement:

- A. Comments and Recommendations Concerning GPA requirements:
  - Customer is required to comply with the following pursuant to the National Electric Code, National Electric Safety Code and GPA's Service Rules and Regulations:
    - Coordinate overhead/underground power requirements with GPA Engineering for new structure.
    - Maintain minimum clearances as defined by the current edition of the National Electrical Safety Code and National Electrical Code.
    - Maintain adequate clearance between any structures and electric utility easements in accordance with NESC and GPA requirements.
    - Developer/Owner shall provide necessary electric utility easements to GPA prior to final connection.
    - Provide scheduling and magnitude of project power demand requirements for new loads.
    - All relocation costs for GPA's facilities, if necessary, is 100% chargeable to the applicant including but not limited to labor and materials.
    - GPA reserves its easement rights established under document number 27991 and map 107FY81.
  - Primary distribution overhead and underground line extensions and GPA service connections must adhere to the guidelines outlined in the current issue of GPA's Service Rules and Regulations.
  - A system impact assessment may be required to determine the effect of this facility on GPA's existing power facilities.
  - All costs associated with the modification of GPA facilities shall be chargeable to the customer. This includes relocation costs, new installation costs and any required system upgrades.

#### B. General Comments

GPA has no objection to the request subject to the conditions cited above.

Continuation of Memorandum

Re: Summary of Position Statement - Application No. 2017-29 A/B

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### **DEPARTMENT OF PUBLIC WORKS (DPW):**

The Department of Public Works (DPW), has completed its review and has no objection to the requests provided the following conditions must be in place:

- storm drainage water disposal must be shown in detail in the final drawings and to be supported with calculations;
- parking layout and parking stalls (compact, standard and accessible stalls) must meet the American standard ACT (ADA) requirements;
- entrance/exit must be wide enough for public access to accommodate emergency vehicles;
- provide solid waste compositions;
- landscaping must be design in detail and make use of its physical and biological resources;
- must comply with all the geotechnical requirements related to site preparations;
- ecological planning is needed to ensure the conservation of its resources;
- incorporate eco-green and energy efficient as part of your design concept;
- · provide structural analysis that can withstand 210 mph wind velocity; and
- structure must conform to Seismic Zone base on the latest IBC code requirements.

NOTE: Must comply from basic ADA requirements for Hotels (lobby, service counters, bar or restaurants, public bathrooms, hotel pools and other amenities.

# **BUREAU OF STATISTICS AND PLANS:**

The Bureau has completed its review of the subject application and provides the following comments and recommendations.

- A. Land Use. The Bureau finds that the proposed project is within the Tourist/Resort category according to the North and Central Guam Land Use Plan (NCGLUP) Future Land Use Map designations. The NCGLUP is approved as an element of the Guam Comprehensive Development Plan (GCDP). The subject property is identified as "Tourist/Resort" designation in the Future Land Use Map of the NCGLUP, as stated in Policy LU-1 (f).
- B. Tourist/Resort. The Tourist/Resort land use category applies to areas needed for commercial uses to serve the traveling public, including hotels/motels, condominium-hotels, single family and multiple family residential uses, golf courses and other typical resort services and retail

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uses. These categories are located primarily along the shoreline and include existing and future tourist and resort areas.

The Bureau has determined that the applicant's High Rise Hotel proposal is in line with the surrounding mixed uses found within the Tumon village and recommends that all conditions be addressed by the Agencies/ Departments on the Application Review Committee (ARC).

C. Aquifer Protection. The subject property is located within the boundary of the Ground Water Protection Zone of the Northern Guam Lens Aquifer (NGLA) so any groundwater contamination can be impacted directly. The aquifer is an essential resource for Guam and is the primary source of drinking water for eighty percent of the island population. Moreover, the U.S. Environmental Protection Agency has designated the NGLA a sole source aquifer for Guam's drinking water. Therefore, it is of paramount importance to prevent sources of contamination from entering Guam's water supply.

It is with the above in mind that the Bureau reminds the applicant that the proposed activities be carefully considered and approved by the ARC and (GLUC) Guam Land Use Commission committees prior to any development occurring.

D. Erosion Control. The alteration from vegetated areas to impervious surfaces such as buildings, driveways, parking lots, roads and other surfaces that prevent water from filtering into the ground greatly increases runoff during heavy rains or storm events. Studies show that runoff and subsequent erosion and flooding can be directly be correlated to increased impervious surfaces. Controlling erosion and sediment runoff is a major factor in the protection of Guam's vital water and other natural resources.

The applicant is required to implement best management practices (BMP) on site to control erosion and sediment before, during and after construction of the project. The applicant is advised to consult with Guam EPA for effective implementation of BMPs. These practices may include but are not limited to the following:

- 1. Install perimeter sediment controls to retain or filter concentrated controls to retain or filter concentrated runoff from disturbed areas to trap or retain sediment before it leaves the residential property.
- 2. Minimize unnecessary clearing and grading to preserve existing natural areas.
- 3. Stabilize construction entrance and install necessary perimeter controls and diversions.

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- 4. Disturbed areas shall be stabilized as soon as feasibly possible after construction.
- 5. Steep slopes shall be protected from erosion by limiting clearing of these areas.
- 6. Where feasible, schedule construction during dry season.

For detailed information on the above listed practices, we refer the property owners to the CNMI and Guam Stormwater Management Manual, which may be obtained from our website <a href="www.bsp.guam.gov">www.bsp.guam.gov</a> under the Guam Coastal Management Program.

E. Low Impact Development (LID). The project site lies within the Mataguac Spring-Frontal Pacific Ocean Watershed. This area has seen an increase in impervious surfaces throughout the years. In between the years 2005 and 2011, the impervious surface area increased by more than 5.17% according to National Oceanic Atmospheric Administration's (NOAA) Coastal Change Analysis Program (C-CAP). As surface area increases so does the risk of flooding and decreased water quality and in order to minimize negative impacts best management practices should be incorporated.

The LID approach works with nature to manage stormwater as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features and minimizing the use of impervious surfaces to create functional and appealing site drainage that treats stormwater as a resource rather than a waste product. Impervious surfaces from roads, parking lots, driveways, sidewalks, and rooftops accelerate stormwater runoff.

The Bureau is concerned that once impervious surfaces are installed, commercial wastes are easily washed into the aquifer. If not managed, this activity can adversely impact Guam's drinking water source and surrounding neighbors if measures are not in place to manage runoff on the property. The applicant is nearby to other commercial buildings, and hotels and the Bureau strongly recommends that caution be exercised and that any stormwater drainage carrying pollutants may occur causing a negative impact to the abutting property and the NGLA.

The Bureau recommends the applicant consider a green approach by implementing island bioretention, permeable parking and walkways, living roofs, grassed swales and/or rain gardens as a means to avoid or minimize runoff from their property. These approaches will add great benefits such as low maintenance, stormwater management, aquifer recharge, beautification, and neighborhood collaboration. An electronic file of the guidebook "Island"

Continuation of Memorandum

Re: Summary of Position Statement - Application No. 2017-29 A/B

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Stormwater Practice Design Specifications" is available on the Bureau's Guam Coastal Management Program's website <a href="https://www.bsp.guam.gov">www.bsp.guam.gov</a>.

- F. Historical and Archaeological Resources. The Bureau recommends that the applicant provide coordination with Department of Parks and Recreation, State Historic Preservation Office to ensure the preservation, protection, excavation, and evaluation of specimens and sites pursuant to Historical Objects and Sites, 21 GCA, Chapter 76.
- G. Zone Variance consideration. According to Ref: BP 84-0242 of the Attorney General Opinion all the requirements contained in section 17502 must be met before a variance can be granted.

Section 17502 of the zoning law provides that no variances may be granted by the former (TPC) Territorial Planning Committee now known as the TLUC unless it finds, in all areas:

(a) That the strict application of the provisions of this Title would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the law:

The property is within the high intensity Hotel zone which is Guam's major industry and will be providing temporary dwellings and accommodation to the transient guests that frequent Guam. The applicant has stated that banquet rooms are not anticipated for this project as verified within the site plan.

(b) That there are exceptional circumstances or conditions applicable to the property involved or to the intended use thereof that do not apply generally to other property in the same zone;

The high intensity Hotel zoning designation allows for and encourages activities unlike those found in other zones on Guam. The limitation of not having activities that cater to banquet facilities will contribute towards minimizing the number of parking requirements. Also the applicant has stipulated and is encouraging smart growth throughout the development of the Hotel.

(c) That the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or neighborhood in which the property is located;

The lower Tumon area is designated Hotel zoned and is mixed with commercial and Hotels alike. This is considered a high intensity area for

Continuation of Memorandum

Re: Summary of Position Statement - Application No. 2017-29 A/B

**GLUC Hearing of March 8, 2018** 

Date of Preparation of this Memorandum: February 28, 2018

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guest's off-island and promotes Tourism unlike found in other villages on Guam.

(d) That the granting of such variance will not be contrary to the objectives of any part of the "Master Plan" adopted by the Commission or Legislature; and

The applicant is developing a proposed 21 floors with 298 rooms with 314 parking stalls. The North and Central Guam Land Use plan calls for Tourist/Resort uses. The applicant's proposal is in line with the concept.

(e) That, as to variances from the restrictions of Section 17203 of this Title, the proposed building will substantially enhance the recreational, aesthetic or commercial value of the beach area upon which the building is to be constructed, and that such building will not interfere with or adversely affect the surrounding property owners' or the public's right to an untrammeled use of the beach and its natural beauty.

The Bureau believes there will be no significant impacts associated with this proposal regarding beach areas, therefore, the applicant has met the variance test.

Based on the above findings, the Bureau believes that the applicant's variance request meets the tests of hardship that is required before a variance is to be granted in accordance to this specific Attorney General's Opinion dated February 27, 1984.

Based on the variance test, the Bureau recommends approval for the height and density variance request as set out in the zoning code of Territory of Guam. The Bureau also does not object to the Hotel use proposal and amenities.

## **GUAM ENVIRONMENTAL PROTECTION AGENCY (GEPA):**

No Position Statement has been received as of the date of this Memorandum of February 28, 2018.

# **DEPARTMENT OF AGRICULTURE (DoAg)**:

No Position Statement has been received as of the date of this Memorandum of February 28, 2018.

## **DEPARTMENT OF PARKS AND RECREATION (DPR):**

No Position Statement has been received as of the date of this Memorandum of February 28, 2018.

**Continuation of Memorandum** 

Re: Summary of Position Statement - Application No. 2017-29 A/B

GLUC Hearing of March 8, 2018

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### **GUAM FIRE DEPARTMENT (GFD):**

No Position Statement has been received as of the date of this Memorandum of February 28, 2018.

## **GUAM ECONOMIC DEVELOPMENT AUTHORITY (GEDA):**

No Position Statement has been received as of the date of this Memorandum of February 28, 2018.

## **GUAM DEPARTMENT OF EDUCATION (GDOE):**

No Position Statement has been received as of the date of this Memorandum of February 28, 2018.

## **DEPARTMENT OF CHAMORRO AFFAIRS (DoCA):**

No Position Statement has been received as of the date of this Memorandum of February 28, 2018.

Marvin Q. Aguilar Chairman, ARC

Case Planner: Celine Cruz



# **GUAM WATERWORKS AUTHORITY**

Gloria B. Nelson Public Service Building 688 Route 15, Mangilao, Guam 96913

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1230 pl

**MEMORANDUM** 

July 25, 2017

TO:

Michael Borja, Director, Department of Land Management

FROM:

Miguel C. Bordallo, P.E., General Manager

SUBJECT:

Position Statement on Zone Variance Applications 2017-29A/B for

Height and Density for Lots 5093-R1-1-R1 and 5093-R1-1-1 in the

Municipality of Tamuning

APPLICANT(S):

Blue Ocean Investment, LLC

The Guam Waterworks Authority (GWA) has reviewed the applicant's height and density zone variance requests for a proposed 298-room hotel.

This memorandum shall serve as GWA's position statement to the above zone variance requests related to availability of water and sewer infrastructures to serve the above subject lot. This position statement shall not be construed as notice that water and sewer systems have the capabilities to accommodate the proposed development including fire flow without on-site or off-site improvements. Any extension of the water and sewer systems and/or capacity upgrades required to serve the property shall be subject to the rules and regulations of GWA. Any required extension to the existing facilities to serve the subject properties shall be at expense of the applicant.

Given the information provided in the application, GWA does not have an objection to the height variance request.

Given the information provided in the application and field observations, the following comments are conditions for GWA's position in favor of the approval of the density variance request.

1. The applicant must provide GWA with site development plans to construct the proposed development. The site development plans must illustrate the proposed point of connection to the public water and sewer systems and is subject to GWA inspection and approval. Submittals shall include water and sewer design calculations and complete drawings and specifications

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Design calculations shall include proposed water demand calculations (inclusive of guest, laundry, restaurant, and pool makeup water demand), fire-flow, and sewer load calculations.

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 GWA requires the applicant to coordinate with the GWA Engineering Department at least six months prior to building permit application submittal. Discussions shall include the proposed water demand and sewer production calculations in order to determine if existing facilities can accommodate the proposed development and if any off-site infrastructure improvements may be necessary.

Given current growth in Tumon, it is likely that future development will be required to increase the public water and/or sanitary sewer systems' capacities through offsite utility improvements.

3. If off-site water and sewer infrastructure improvements are installed by the developer, they will require prior approval from GWA, must meet GWA standards, be constructed in the public easement or right of way, and shall be subject to inspection by GWA. Any infrastructure improvements will be at the expense of the applicant. GWA's approval of the occupancy will be contingent upon the completion of offsite improvements.

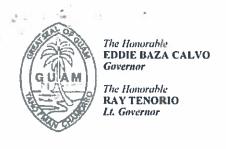
The developer shall register maps and documents for new public rights of way or utility easements with the Department of Land Management and provide copies to GWA.

- 4. The applicant shall install GWA water meters in the public right of way or easement.
- 5. Backflow prevention devices are required for non-residential activities and for water tanks.
- 6. Privately-owned water tanks might be limited to a maximum fill rate to avoid adverse impacts to the public water system.
- Sewer load discharges to the public sewer system might be limited to certain times of day at certain rates to avoid adverse impacts to the receiving public sanitary sewer system.
- 8. New development is subject to water and sewer system development charges.
- Certain activities are subject to sewer pre-treatment requirements. Grease traps or interceptors are required for food service establishments. Oil-water separators are required for vehicle maintenance activities.

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GWA Position Statement
ARC Application No. 2017-29A/B
Applicant: Blue Ocean Investment, LLC

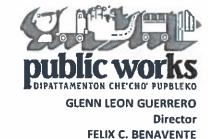
- 10. Only wastewater shall be discharged to the public sanitary sewer system. Stormwater, pool water, and pool backwash water discharge to the sanitary sewer system is prohibited.
- 11. After a GWA utility service account is opened, the account holder is responsible for informing GWA of onsite activity changes that may affect the account's classification and utility service requirements. Activity changes include, but are not limited to, laundry, food service, and vehicle maintenance activities.

This GWA Position Statement shall remain valid for 365 calendar days from the date of this response. Please contact GWA Engineering Division regarding water and sewer system improvement design and construction standards and procedures. For additional information please contact Mauryn McDonald, P.E., Permits and New Area Development Supervisor, at 300-6054.

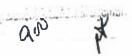




AUG 1 E 2017



**Deputy Director** 



August 10, 2017

**MEMORANDUM** 

TO:

Director, Department of Land Management

FROM:

Director

APPLICANT:

Blue Ocean Investment LLC

Application No.: 2017- (29A & 29B)

SUBJECT:

Zone Variance (Height and Density), Tumon, Guam

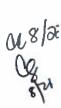
Buenas yan Hafa Adai!

The above applicant, is requesting a height zone variance for a Multi-Storey small hotel located in Tumon area. The property consists of two lots totaling an area of 94,237 square feet located between Tumon Sands Plaza and Two Storey Commercial Building Housing Paradise Spa Wagaya Karaoke Lounge. The Development includes a retail spaces and offices and an additional parking spaces along the ground floor area. The first five floors will be utillized as parking garage. The project proposes a total of 250 rooms and about 24,000 square feet of combined retail and office space.

The Department of Public Works, (DPW) has completed its review of the subject application and has no objection to the requests provided the following conditions must be in place:

- storm drainage water disposal must be shown in detail in the final drawings and to be supported with calculations:
- · parking layout and parking stalls (compact ,standard and accessible stalls) must meet the American standard Act (ADA) requirements;
- entrance /exit must be should be wide enough for public access to accommodate emergency vehicles:
- provide solid waste compositions;
- landscaping must be design in detail and make use of its physical and biological resources;
- must comply with all the geotechnical requirements related to site preparations;
- ecological planning is needed to ensure the conservation of its resources;
- incorporate eco-green and energy efficient as part of your design concept;
- provide structural analysis that can withstand 210 mph wind velocity; and
- structure must conform to Seismic Zone base on the latest IBC code requirements.

NOTE: Must comply from basic ADA requirements for Hotels (lobby, service counters, bar or restaurants, public bathrooms, hotel pools and other amenities.



DPW recommends approval, subject to the comments reviewed by the application Review Committee (ARC) with conditions that prior to building permit application, to submit a complete set of design drawings with all the engineering disciplines (structural/civil, architectural, mechanical, electrical, plumbing) needed must be in conformance with the latest building code, applicable rules and regulations, building law of Guam and ADA requirements prior to issuance of building permit.

Should you have any questions, please contact Mr. John F. Calanayan, Acting Engineer in Charge or Maryrose M. Wilson, Engineer III in the Division of Capital Improvement Projects (CIP) at 646-3189 or 646-3224.

Dangkulu na Si Yu'os Ma'ase!

GLENN LEON GUERRERO



POWER AUTHORITY

ATURIDÅT ILEKTRESEDÅT GUAHAN P.O.BOX 2977 • AGANA. GUAM U.S.A. 96932-2977

August 15, 2017

#### MEMORANDUM

To:

Chairman, Guam Land Use Commission

Executive Secretary, Guam Land Use Commission

From:

General Manager

Subject:

Lot 5093-R1-1-R1, Municipality of Tamuning, (Blue Ocean Investment LLC); Zone (Height/Density) Variance Application to develop a hotel. Application No. 2017-29A/B

Guam Power Authority has reviewed the application described above and submits the following position statement:

#### A. Comments and Recommendations Concerning GPA requirements:

- Customer is required to comply with the following pursuant to the National Electric Code, National Electric Safety Code and GPA's Service Rules and Regulations:
  - Coordinate overhead/underground power requirements with GPA Engineering for new structures.
  - Maintain minimum clearances as defined by the current edition of the National Electrical Safety Code and National Electrical Code.
  - Maintain adequate clearance between any structures and electric utility easements in accordance with NESC and GPA requirements.
  - Developer/Owner shall provide necessary electric utility easements to GPA prior to final connection.
  - Provide scheduling and magnitude of project power demand requirements for new loads.
  - All relocation costs for GPA's facilities, if necessary, is 100% chargeable to the applicant including but not limited to labor and materials.
  - GPA reserves its easement rights established under document number 27991and map 107FY81.
- Primary distribution overhead and underground line extensions and GPA service connections must adhere to the guidelines outlined in the current issue of GPA's Service Rules and Regulations.
- 3. A system impact assessment may be required to determine the effect of this facility on GPA's existing power facilities.
- 4. All costs associated with the modification of GPA facilities shall be chargeable to the customer. This includes relocation costs, new installation costs and any required system upgrades.

#### B. General Comments

GPA has no objection to the request subject to the conditions cited above.

ASG/arp

#### INFRASTRUCTURE CERTIFICATION FORM

Agency Certifying: Guam Power Authority Applicant: Blue Ocean Investment LLC

Location: Lot 5093-R1-1-R1

Type of Application: Zone (Height/Density)Variance

GLUC/GSPC Application No. 2017-29A/B

Brief Project Description: To develop a hotel.

For the purposes of this Certification, GOVERNMENT SERVICES, FACILITIES, and INFRASTRUCTURE include, but are not limited to: power lines poles and facilities; water lines, pumps and facilities; sewer and liquid waste disposal; storm water disposal; solid waste disposal; telephone lines and facilities; schools; health facilities; police and fire fighting service and facilities; roads; traffic and street lights; parks and recreational activities.

I hereby certify that the required GOVER INFRASTRUCTURE are currently AVA	RNMENT SERVICES, FACILITIES and LILABLE AND IN PLACE to support this project:  No
	RNMENT SERVICES, FACILITIES and QUATE to support this project:
Yes	No 🗵
	Yes  If the answer to #1 above is YES, then: I hereby certify that the required GOVER INFRASTRUCTURE are currently ADE

3. If the required GOVERNMENT SERVICES, FACILITIES and INFRASTRUCTURE currently in place are NOT AVAILABLE or they are AVAILABLE, BUT NOT ADEQUATE, itemize the services, facilities and infrastructure that are needed, the estimated cost thereof and whether funds are currently available and identified to develop such services, facilities and infrastructure:

Services, Facilities and Infrastructure Needed	Cost of Upgrades	Funds Available	Date Available	Funds Identified
·		Available		Identified
Please see comments below				

I hereby certify that the foregoing is true and correct to the best of my knowledge.

General Manager

Based on a preliminary inspection of the site, the electrical facilities may require upgrading to meet the demand of the proposed project. A system impact assessment maybe required to determine the effect of this facility on GPA's existing power distribution system. The applicant will be responsible for the cost of any required system upgrade.

Eddie Baza Calvo Governor of Guam BUREAU OF

STATISTICS & PLANS

SAGAN PLANU SIHA YAN EMFOTMASION

(gra)

Carl V. Dominguez
Director
Manuel Q. Cruz
Deputy Director

Ray Tenorio Lieutenant Governor Government of Guam P.O. Box 2950 Hagåtña, Guam 96932 Tel: (671) 472-4201/3 Fax: (671) 477-1812

NOV 0 8 2017

## **MEMORANDUM**

TO:

Chairman, Guam Land Use Commission

VIA:

Executive Secretary, Department of Land Management

FROM:

Director, Bureau of Statistics and Plans

SUBJECT:

DLM **Application No.** 2017-29A/B; **Location:** Lot(s) 5093-R1-1-R1 and 5093-R1-1-1 Tumon; **Applicant:** Blue Ocean Investment represented by Tanaguchi Ruth Makio Architects (TRMA); **Proposed Use:** Zone Variance for

Density and Height for a high rise Hotel in the "H" (Hotel ) Zone

Håfa Adai! The applicant, Blue Ocean Investment, represented by Tanaguchi Ruth Makio Architects (TRMA), is requesting for a zone variance for the Density and Height in the "H" Hotel Zone on Lot(s) 5093-R1-1-R1 and 5093-R1-1-1 Tumon within the Municipality of Tamuning. According to the applicant the proposal is to develop a 21 floor high rise hotel that will not have banquet nor ball rooms.

The location of the "H" zoned property fronts San Vitores Road and the property was vacant with the exception of a building footprint from a previous building that was cleared in the past. The property is approximately 8,754.9 square meters or 94,237 square feet which is approximately 2.16 acres in size. Also, within the vicinity there are other mixed hotel uses such as the Tumon Sands Shopping Plaza and the Grand Plaza Hotel and other activities that are regularly associated in the hotel zone.

The Bureau has completed its review of the subject application and provides the following comments and recommendations.

Land Use. The Bureau finds that the proposed project is within the Tourist/Resort category according to the North and Central Guam Land Use Plan (NCGLUP) Future Land Use Map designations. The NCGLUP is approved as an element of the Guam Comprehensive Development Plan (GCDP). The subject property is identified as "Tourist/Resort" designation in the Future Land Use Map of the NCGLUP, as stated in Policy LU-1 (f).

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BSP Position Statement ARC 2015-30 Page 2

**Tourist/Resort:** The Tourist/Resort land use category applies to areas needed for commercial uses to serve the traveling public, including hotels/motels, condominium-hotels, single family and multiple family residential uses, golf courses and other typical resort services and retail uses. These categories are located primarily along the shoreline and include existing and future tourist and resort areas.

The Bureau has determined that the applicant's High Rise Hotel proposal is in line with the surrounding mixed uses found within the Tumon village and recommends that all conditions be addressed by the Agencies/Departments on the Application Review Committee (ARC).

**Aquifer Protection.** The subject property is located within the boundary of the Ground Water Protection Zone of the Northern Guam Lens Aquifer (NGLA) so any groundwater contamination can be impacted directly. The aquifer is an essential resource for Guam and is the primary source of drinking water for eighty percent of the island population. Moreover, the U.S. Environmental Protection Agency has designated the NGLA a sole source aquifer for Guam's drinking water. Therefore, it is of paramount importance to prevent sources of contamination from entering Guam's water supply.

It is with the above in mind that the Bureau reminds the applicant that the proposed activities be carefully considered and approved by the ARC and (TLUC) Territorial Land Use Commission committees prior to any development occurring.

**Erosion Control.** The alteration from vegetated areas to impervious surfaces such as buildings, driveways, parking lots, roads and other surfaces that prevent water from filtering into the ground greatly increases runoff during heavy rains or storm events. Studies show that runoff and subsequent erosion and flooding can be directly be correlated to increased impervious surfaces. Controlling erosion and sediment runoff is a major factor in the protection of Guam's vital water and other natural resources.

The applicant is required to implement best management practices (BMP) on site to control erosion and sediment before, during and after construction of the project. The applicant is advised to consult with Guam EPA for effective implementation of BMPs. These practices may include but are not limited to the following:

- 1. Install perimeter sediment controls to retain or filter concentrated runoff from disturbed areas to trap or retain sediment before it leaves the residential property.
- 2. Minimize unnecessary clearing and grading to preserve existing natural areas.
- 3. Stabilize construction entrance and install necessary perimeter controls and diversions.
- 4. Disturbed areas shall be stabilized as soon as feasibly possible after construction.
- 5. Steep slopes shall be protected from erosion by limiting clearing of these areas.
- 6. Where feasible, schedule construction during dry season.

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For detailed information on the above listed practices, we refer the property owners to the CNMI and Guam Stormwater Management Manual, which may be obtained from our website <a href="https://www.bsp.guam.gov">www.bsp.guam.gov</a> under the Guam Coastal Management Program.

Low Impact Development (LID). The project site lies within the Mataguac Spring-Frontal Pacific Ocean Watershed. This area has seen an increase in impervious surfaces throughout the years. In between the years 2005 and 2011, the impervious surface area increased by more than 5.17% according to National Oceanic Atmospheric Administration's (NOAA) Coastal Change Analysis Program (C-CAP). As surface area increases so does the risk of flooding and decreased water quality and in order to minimize negative impacts best management practices should be incorporated.

The LID approach works with nature to manage stormwater as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features and minimizing the use of impervious surfaces to create functional and appealing site drainage that treats stormwater as a resource rather than a waste product. Impervious surfaces from roads, parking lots, driveways, sidewalks, and rooftops accelerate stormwater runoff.

The Bureau is concerned that once impervious surfaces are installed, commercial wastes are easily washed into the aquifer. If not managed, this activity can adversely impact Guam's drinking water source and surrounding neighbors if measures are not in place to manage runoff on the property. The applicant is nearby to other commercial buildings, and hotels and the Bureau strongly recommends that caution be exercised and that any stormwater drainage carrying pollutants may occur causing a negative impact to the abutting property and the NGLA.

The Bureau recommends the applicant consider a green approach by implementing island bioretention, permeable parking and walkways, living roofs, grassed swales and/or rain gardens as a means to avoid or minimize runoff from their property. These approaches will add great benefits such as low maintenance, stormwater management, aquifer recharge, beautification, and neighborhood collaboration. An electronic file of the guidebook "Island Stormwater Practice Design Specifications" is available on the Bureau's Guam Coastal Management Program's website <a href="https://www.bsp.guam.gov">www.bsp.guam.gov</a>.

**Historical and Archaeological Resources.** The Bureau recommends that the applicant provide coordination with Department of Parks and Recreation, State Historic Preservation Office to ensure the preservation, protection, excavation, and evaluation of specimens and sites pursuant to Historical Objects and Sites, 21 GCA, Chapter 76.

**Zone Variance consideration:** According to Ref: BP 84-0242 of the Attorney General Opinion all the requirements contained in section 17502 must be met before a variance can be granted.

Section 17502 of the zoning law provides that no variances may be granted by the former (TPC) Territorial Planning Committee now known as the TLUC unless it finds, in all areas:

(a) That the strict application of the provisions of this Title would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the law:

The property is within the high intensity Hotel zone which is Guam's major industry and will be providing temporary dwellings and accommodation to the transient guests that frequent Guam. The applicant has stated that banquet rooms are not anticipated for this project as verified within the site plan

(b) That there are exceptional circumstances or conditions applicable to the property involved or to the intended use thereof that do not apply generally to other property in the same zone;

The high intensity Hotel zoning designation allows for and encourages activities unlike those found in other zones on Guam. The limitation of not having activities that cater to banquet facilities will contribute towards minimizing the number of parking requirements. Also the applicant has stipulated and is encouraging smart growth throughout the development of the Hotel.

(c) That the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or neighborhood in which the property is located;

The lower Tumon area is designated Hotel zoned and is mixed with commercial and Hotels alike. This is considered a high intensity area for guest's off-island and promotes Tourism unlike found in other villages on Guam.

(d) That the granting of such variance will not be contrary to the objectives of any part of the "Master Plan" adopted by the Commission or Legislature; and

The applicant is developing a proposed 21 floors with 298 rooms with 314 parking stalls. The North and Central Guam Land Use plan calls for Tourist/Resort uses. The applicant's proposal is in line with the concept.

(e) That, as to variances from the restrictions of Section 17203 of this Title, the proposed building will substantially enhance the recreational, aesthetic or commercial value of the beach area upon which the building is to be constructed, and that such building will not interfere with or adversely affect the surrounding property owners' or the public's right to an untrammeled use of the beach and its natural beauty.

The Bureau believes there will be no significant impacts associated with this proposal regarding beach areas, therefore, the applicant has met the variance test.

Based on the above findings, the Bureau believes that the applicant's variance request meets the tests of hardship that is required before a variance is to be granted in accordance to this specific Attorney General's Opinion dated February 27, 1984.

Based on the variance test, the **Bureau recommends approval** for the height and density variance request as set out in the zoning code of Territory of Guam. The Bureau also does not object to the Hotel use proposal and amenities.

As government officials, it is our primary responsibility to ensure that the proposal and operations of this proposed endeavor are in a manner designed to protect the public health, safety, and to promote the public welfare and convenience. We also encourage the applicant to protect Guam's natural resources and to ensure they are used in a sustainable manner. Si Yu'os Ma'ase'.

CARL V. DØMINGUEZ

cc: GEPA DPR DPW GWA

GPA



# TAMUNING-TUMON-HARMON MUNICIPAL PLANNING COUNCIL REGULAR MONTHLY MEETING

6:30 P.M. Thursday Febuary 08, 2018
Tamuning Senior Center

## **MINUTES**

## I. CALL TO ORDER

Meeting was called to order at 6:40 pm by Mayor Louise Rivera, Chairperson

A sign-in sheet was circulated for attendance. Present were, J. Brown, J. Camacho, V. Camacho, A. Charfauros, J. Estella, R. Lastimoza, W. Nault, F. Punzalan, D. Tinsay, Vice-Mayor Kenneth Santos, Mayor Louise Rivera, a total of Eleven (11) members in attendance of the meeting. A Quorum was established.

- II. <u>RECITATION OF THE PLEDGE OF ALLEGEIANCE AND INIFRESI</u>
  Members present recited the Pledge of Allegiance and the *Inifresi*.
- III. <u>SECRETARY'S REPORT AND APPROVAL OF PREVIOUS MINUTES</u>

  Motion to approve the Minutes of January 04, 2018 was made by A. Charfauros, second by R. Lastimoza. All were in favor. Motion carries.

## IV. MAYOR'S REPORT

- 1. LZ Plaza Application for Height Variance: All in attendance agreed to have this decision remain status quo on until the improvement of Ypao Road is complete.
- Construction of a New Guam Power Authority Northern Power Generation Plant. Support for Bill 233-34, An Act to Re-Zone from "R-2" to "M2". Public Hearing was held on 01/17/18.
   All agreed that there is no objection and would support the recommendation of the Dededo Municipal Planning Council.
- 3. Blue Ocean Investment-21 story-Tumon. Public Hearing held on 01/19/18. Due to inadequate Infrastructure and heavy congestion to the area, A motion to disapprove this application was made by J. Brown. Second by F. Punzalan, all were in favor. Motion carries.
- 4. Hirotake Otsuka-3 story, 8 unit condo structure-Sanchez St. Public Hearing on 01/26/18. Due to testimonies given by surrounding neighbors opposing said application, a Motion to disapprove was made by J. Brown. Second by A. Charfauros. All were in favor. Motion carries.
- 5. Budget cuts and Revenue Generation committee's are formed to address current budget crisis. Presentation for MCOG Special Meeting on 02/21/18.
  - a. Marcus Landen a meteorologist: Tsunami supporter program.
  - b. Vice-Speaker Therese Terlaje: Veterans Registry and Massacre Memorial funds.
  - c. Senator Regine Biscoe Lee: Bill 234 Automatic voters registration.



wild allips pm

March 8, 2018

Michael Boria Director Department of Land Management, 590 S. Marine Corps Drive ITC Bldg, Ste 733, Tamuning, Guam 96913

Subj: Lots M19 L5093-R1-1-R1 / L5093-R1-1-1, Tumon Zone Variance Application for Density and Height

Håfa Adai Mr. Boria.

We are writing this letter in support of the Guam Land Use Commission (GLUC) Variance Request for the Blue Ocean Development project located along San Vitores Road, as follows:

A height variance to allow for a 21 story hotel with a height of 264'-0" to the roof and to allow 298 guestrooms

In 2014, the Guam Visitors Bureau launched Guam's tourism strategic plan entitled Tourism 2020 that set forth the vision and roadmap for the island's number one industry. Objective 3 of the plan was to "add hotel rooms," increasing room inventory from 8,451 rooms to 10,091 rooms. This development will help Guam achieve this important objective, as these rooms are necessary to reach our goal of 1.75 million visitor arrivals by 2020.

Moreover, the project is planned for a site that is currently a blighted parcel along San Vitores that has become a magnet for unsafe activities and littering. The investment in the property and intention for a good quality street facade supports GVB's goals for continuous improvement for Guam's primary tourism and hospitality center.

GVB is also pleased to see the property owner is proactively looking at a storm water treatment that will help reduce the amount of run-off that overburdens the nearby ponding basin and floods roadways during moderate and/or heavy rains. It also provides a healthy pedestrian circulation that patronizes many of the nearby commercial, retail and food & beverage businesses, which reduces the reliance on vehicles.

Lastly, the most important result of this development will be the additional jobs that it will be provide to the people of Guam. This is a good example of how tourism makes Guam a better place to live, work and visit. Si Yu'os Ma'ase' for your consideration of this GLUC Variance Request.

Senseramente.

JON NATHAN DENIGHT President & CEO



March 3, 2018

Director, Department of Land Management, **Executive Secretary** Guam land Use Commission Government of Guam

Attn:

Michael Borja, Director

Subj:

Lots M19 L5093-R1-1-R1 / L5093-R1-1-1, Tumon Zone Variance Application for Density and Height

Hafa Adai Mr Borja

We are writing this letter in support of the GLUC Variance Request for the Blue Ocean development project located along San Vitores Road. The property owner, Blue Ocean Development has requested the following:

A height variance to allow for a 21 story hotel with a height of 264'-0" to the roof and to allow 298 guestrooms.

The project is planned for a site that is currently a blighted parcel along San Vitores that has become a magnet for unsafe activities and littering. The investment in the property and intention for a good quality street facade supports our tourism goals for continuous improvement for Guam's primary tourism and hospitality center.

We are pleased to see that the property owner is looking proactively at storm water treatment that will help reduce the amount of run-off that is overburdening the nearby ponding basin and flooding roadways during moderate and heavy rains.

The project supports the call from village leaders to centralize resorts and hotels in Tumon and provides well designed pedestrian circulation that supports many of the nearby commercial, retail and food & beverage businesses and reduces the reliance on vehicles.

The proposed concepts illustrate their priorities for sustainable design, energy efficiency and smart growth. In particular, utilizing an infill property and refraining from using pristine land around the island that could impact our Northern Aquifer, other natural resources and island attractions.

We hope you will consider the benefit of this proposed project and look favorably on this GLUC variance request

Si Yu'os Ma'ase

Monte Mesa

Personal 1:35 pm